

96th Congress }
1st Session }

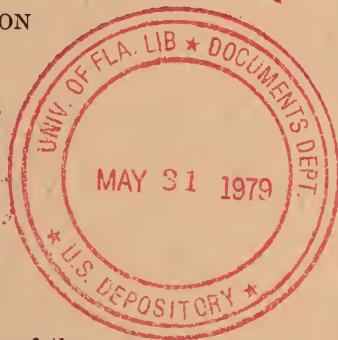
COMMITTEE PRINT NO. 1

NUCLEAR REGULATORY LEGISLATION
THROUGH THE
95TH CONGRESS, 2D SESSION

COMPILED BY
THE SUBCOMMITTEE ON ENERGY AND
THE ENVIRONMENT
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
OF THE
U.S. HOUSE OF REPRESENTATIVES
NINETY-SIXTH CONGRESS
FIRST SESSION



MAY 1979



Printed for the use of the
Committee on Interior and Insular Affairs

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Committee on Interior and Insular Affairs

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WASHINGTON : 1979

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LETTER OF TRANSMITTAL

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,

U.S. HOUSE OF REPRESENTATIVES,

Washington, D.C., April 23, 1979.

MEMBERS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. House of Representatives,
Washington, D.C.

DEAR COLLEAGUES: Traditionally, at the beginning of each year, the Joint Committee on Atomic Energy (JCAE) issued a committee print containing a compilation of all atomic energy legislation enacted into law through the previous session of Congress. This periodic updating proved to be a useful working document for the JCAE, the Congress, interested Government agencies, and the public. With the abolition of the JCAE, however, the updating and publication of this document came to an end. The last edition, printed by the JCAE in 1977, entitled "Atomic Energy Legislation Through the 94th Congress, 2d Session," is now out of date and the supply virtually depleted.

In anticipation of increased congressional interest in the Nation's nuclear policies during the remainder of the 96th Congress, I am here-with transmitting a new and refocused updating, which has been prepared by the staff of the Subcommittee on Energy and the Environment.

This print contains all legislation enacted through the 95th Congress, 2d session, which pertains to nuclear regulation and the NRC. It represents a departure from JCAE practice inasmuch as non-regulatory nuclear research and development provisions have not been included.

I hope you find this to be a helpful document.

Sincerely,

MORRIS K. UDALL, *Chairman,*

(III)



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FOREWORD

This compilation of statutes and material pertaining to nuclear regulatory legislation has been prepared by the staff of the Subcommittee on Energy and the Environment and Jim Nuse of the Technical Information and Document Control Division, U.S. Nuclear Regulatory Commission for the use of the Committee, the Congress, interested Government agencies, and the public.

(v)

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PART I. THE ATOMIC ENERGY ACT OF 1954¹ AS AMENDED

Public Law 83-703
(68 Stat. 919)

AN ACT

To amend the Atomic Energy Act of 1946, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Act of 1946, as amended, is amended to read as follows:

"ATOMIC ENERGY ACT OF 1954

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¹ For index to legislative history, see appendix 3, *infra*.

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**"CHAPTER 1. DECLARATION, FINDINGS, AND
PURPOSE**

Declaration.
42 U.S.C.
sec. 2011.

"SECTION 1. DECLARATION.—Atomic energy is capable of application for peaceful as well as military purposes. It is therefore declared to be the policy of the United States that—

"a. the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security; and

"b. the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.

Findings.
42 U.S.C.
sec. 2012.

"SEC. 2. FINDINGS.²—The Congress of the United States hereby makes the following findings concerning the development, use, and control of atomic energy:

"a. The development, utilization, and control of atomic energy for military and for all other purposes are vital to the common defense and security.

"c.³ The processing and utilization of source, byproduct, and special nuclear material affect interstate and

² Sec. 20 of Public Law 88-489 (78 Stat. 602) (1964), the Private Ownership of Special Nuclear Materials Act, reads as follows:

"Nothing in this Act shall be deemed to diminish existing authority of the United States, or of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, to regulate source, byproduct, and special nuclear material and production and utilization facilities or to control such materials and facilities exported from the United States by imposition of governmental guarantees and security safeguards with respect thereto, in order to assure the common defense and security and to protect the health and safety of the public, or to reduce the responsibility of the Atomic Energy Commission to achieve such objectives."

³ Public Law 88-489 (78 Stat. 602) (1964), sec. 1, deleted subsec. 2 b. Subsec. 2 b read as follows:

"b. In permitting the property of the United States to be used by others such use must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public."

foreign commerce and must be regulated in the national interest.

"d. The processing and utilization of source, byproduct, and special nuclear material must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public.

"e. Source and special nuclear material, production facilities, and utilization facilities are affected with the public interest, and regulation by the United States of the production and utilization of atomic energy and of the facilities used in connection therewith is necessary in the national interest to assure the common defense and security and to protect the health and safety of the public.

"f. The necessity for protection against possible interstate damage occurring from the operation of facilities for the production or utilization of source or special nuclear material places the operation of those facilities in interstate commerce for the purposes of this Act.

"g. Funds of the United States may be provided for the development and use of atomic energy under conditions which will provide for the common defense and security and promote the general welfare.

"i.⁴ In order to protect the public and to encourage the development of the atomic energy industry, in the interest of the general welfare and of the common defense and security, the United States may make funds available for a portion of the damages suffered by the public from nuclear incidents, and may limit the liability of those persons liable for such losses.⁵

"SEC. 3. PURPOSE.—It is the purpose of this Act to effectuate the policies set forth above by providing for—

Purpose
42 U.S.C.
sec. 2013.

"a. a program of conducting, assisting, and fostering research and development in order to encourage maximum scientific and industrial progress;

"b. a program for the dissemination of unclassified scientific and technical information and for the control, dissemination, and declassification of Restricted Data, subject to appropriate safeguards, so as to encourage scientific and industrial progress;

"c. a program for Government control of the possession, use, and production of atomic energy and special nuclear material, whether owned by the Government or others, so directed as to make the maximum contribution to the common defense and security and the national welfare, and to provide continued assurance of the Government's ability to enter into and enforce agreements with nations or

⁴ Public Law 88-489 (78 Stat. 602) (1964), sec. 2, deleted subsec. 2 h. Subsec. 2 h, read as follows:

"h. It is essential to the common defense and security that title to all special nuclear material be in the United States while such special nuclear material is within the United States."

⁵ Public Law 85-256 (71 Stat. 576), (1957) sec. 1, added subsec. 1.

groups of nations for the control of special nuclear materials and atomic weapons.⁶

"d. a program to encourage widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public;

"e. a program of international cooperation to promote the common defense and security and to make available to cooperating nations the benefits of peaceful applications of atomic energy as widely as expanding technology and considerations of the common defense and security will permit; and

"f. a program of administration which will be consistent with the foregoing policies and programs, with international arrangements, and with agreements for cooperation, which will enable the Congress to be currently informed so as to take further legislative action as may be appropriate.

Definitions.
42 U.S.C.
sec. 2014.

"CHAPTER 2. DEFINITIONS

Agency of the
U.S.

"SEC. 11. DEFINITIONS.—The intent of Congress in the definitions as given in this section should be construed from the words or phrases used in the definitions. As used in this Act:

Agreement for
cooperation.

"a. The term 'agency of the United States' means the executive branch of the United States, or any Government agency, or the legislative branch of the United States, or any agency, committee, commission, office, or other establishment in the legislative branch, or the judicial branch of the United States, or any office, agency, committee, commission, or other establishment in the judicial branch.

Atomic energy.

"b. The term 'agreement for cooperation' means any agreement with another nation or regional defense organization authorized or permitted by sections 54, 57, 64, 82, 91 c., 103, 104, or 144, and made pursuant to section 123.⁷

Atomic
weapon.

"c. The term 'atomic energy' means all forms of energy released in the course of nuclear fission or nuclear transformation.

"d. The term 'atomic weapon' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development

⁶ Public Law 88-489 (78 Stat. 602) (1964), sec. 3, amended this subsection. Before amendment it read:

"c. A program for Government control of the possession, use, and production of atomic energy and special nuclear material so directed as to make the maximum contribution to the common defense and security and the national welfare."

⁷ Public Law 87-206 (75 Stat. 475) (1961), sec. 2, amended this subsection by adding sec. 91 c.

of, a weapon, a weapon prototype, or a weapon test device.

"e. The term 'byproduct material' means (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.⁸

Byproduct material.

"f. The term 'Commission' means the Atomic Energy Commission.

Commission.

"g. The term 'common defense and security' means the common defense and security of the United States.

Common defense and security.
Defense information.

"h. The term 'defense information' means any information in any category determined by any Government agency authorized to classify information, as being information respecting, relating to, or affecting the national defense.

"i. The term 'design' means (1) specifications, plans, drawings, blueprints, and other items of like nature; (2) the information contained therein; or (3) the research and development data pertinent to the information contained therein.

Design.

"j. The term 'extraordinary nuclear occurrence' means any event causing a discharge or dispersal of source, special nuclear, or byproduct material from its intended place of confinement in amounts offsite, or causing radiation levels offsite, which the Commission determines to be substantial, and which the Commission determines has resulted or will probably result in substantial damages to persons offsite or property offsite. Any determination by the Commission that such an event has, or has not, occurred shall be final and conclusive, and no other official or any court shall have power or jurisdiction to review any such determination. The Commission shall establish criteria in writing setting forth the basis upon which such determination shall be made. As used in this subsection, 'offsite' means away from 'the location' or 'the contract location' as defined in the applicable Commission indemnity agreement, entered into pursuant to section 170.⁹

Extraordinary nuclear occurrence.

"k. The term 'financial protection' means the ability to respond in damages for public liability and to meet the costs of investigating and defending claims and settling suits for such damages.¹⁰

Financial protection.

⁸ Public Law 95-604 (92 Stat. 3033) (1978), sec. 201, amended sec. 11(e) by substituting a complete new subsec. 11(e). Before amendment, subsec. 11(e) read as follows: "The term 'byproduct material' means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material."

⁹ Public Law 89-645 (80 Stat. 891) (1966), sec. 1, added subsec. j.

¹⁰ Public Law 85-256 (71 Stat. 576) (1957), sec. 3, added subsec. k.

Government agency.

"l. The term 'Government agency' means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

Indemnitor.

"m. The term 'indemnitor' means (1) any insurer with respect to his obligations under a policy of insurance furnished as proof of financial protection; (2) any licensee, contractor or other person who is obligated under any other form of financial protection, with respect to such obligations; and (3) the Commission with respect to any obligation undertaken by it in an indemnity agreement entered into pursuant to section 170.¹¹

International arrangement.

"n. The term 'international arrangement' means any international agreement hereafter approved by the Congress or any treaty during the time such agreement or treaty is in full force and effect, but does not include any agreement for cooperation.

Joint Committee.

"o. The term 'Joint Committee' means the Joint Committee on Atomic Energy.

Licensed activity.

"p. The term 'licensed activity' means an activity licensed pursuant to this Act and covered by the provisions of section 170a.¹²

Nuclear incident.

"q. The term 'nuclear incident' means any occurrence, including an extraordinary nuclear occurrence,¹³ within the United States causing, within or outside the United States, bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material: *Provided, however,* That as the term is used in subsection 170 l., it shall include any such occurrence outside of the United States: *And provided further,* That as the term is used in subsection 170 d., it shall include any such occurrence outside the United States if such occurrence involves source, special nuclear, or byproduct material owned by, and used by or under contract with, the United States: *And provided further,* That as the term is used in subsection 170 c., it shall include any such occurrence outside both the United States and any other nation if such occurrence arises out of or results from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material licensed pursuant to chapters 6, 7, 8, and 10 of this Act, which is used in connection with the operation of a licensed stationary production or utilization facility or which moves outside the territorial

42 U.S.C. 2091,
2111, 2121,
2151.

¹¹ Public Law 89-645 (80 Stat. 891) (1966), sec. 1, added subsec. m.

¹² Public Law 85-256 (71 Stat. 576) (1957), sec. 3, added subsec. p.

¹³ Public Law 89-645 (80 Stat. 891) (1966), sec. 1, amended this subsection by inserting the phrase "including an extraordinary nuclear occurrence,".

limits of the United States in transit from one person licensed by the Commission to another person licensed by the Commission.¹⁴

"r. The term 'operator' means any individual who manipulates the controls of a utilization or production facility. **Operator.**

"s. The term 'person' means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing. **Person.**

"t. The term 'person indemnified' means (1) with respect to a nuclear incident occurring within the United States or outside the United States as the term is used in subsection 170 c., and with respect to any nuclear incident in connection with the design, development, construction, operation, repair, maintenance, or use of the nuclear ship Savannah, the person with whom an indemnity agreement is executed or who is required to maintain financial protection, and any other person who may be liable for public liability or (2) with respect to any other nuclear incident occurring outside the United States, the person with whom an indemnity agreement is executed and any other person who may be liable for public liability by reason of his activities under any contract with the Commission or any project to which indemnification under the provisions of subsection 170d. has been extended or under any subcontract, purchase order or other agreement, of any tier, under any such contract or project.¹⁵ **Person indemnified.**

"u. The term 'produce', when used in relation to special nuclear material, means (1) to manufacture, make, pro- **Produce.**

¹⁴ Public Law 85-256 (71 Stat. 576) (1957), sec. 3, added subsec. q. Prior to amendment by Public Law 89-645 (see footnote 9, above) the subsection had been amended by Public Law 87-615 (76 Stat. 409) (1962), sec. 4. Before amendment it read: "o. The term 'nuclear incident' means any occurrence within the United States causing bodily injury, sickness, disease, or death, or loss of or damage to property, or for loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material: *Provided, however,* That as the term is used in subsection 170 l., it shall mean any such occurrence outside of the United States rather than within the United States." Public Law 94-197 (89 Stat. 1111) (1975), sec. 1, amended the second proviso in subsection 11q. Prior to amendment, the proviso read as follows: "*And provided further,* That as the term is used in section 170d., it shall include any such occurrence outside of the United States if such occurrence involves a facility or device owned by, and used by or under contract with, the United States."

¹⁵ Public Law 85-256 (71 Stat. 576) (1957), sec. 3, added subsection t. Public Law 87-615 (76 Stat. 409) (1962), sec. 5, amended the subsection. Before amendment, it read: "r. The term 'person indemnified' means the person with whom an indemnity agreement is executed and any other person who may be liable for public liability." Public Law 94-197 (89 Stat. 1111) (1975), sec. 1, amended subsection 11 t. by adding the phrases "or outside the United States as the term is used in subsection 170 c." and "or who is required to maintain financial protection," to the definition of the term "person indemnified".

duce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such material may be contained; or (3) to make or to produce new special nuclear material.

Production facility.

"v. The term 'production facility' means (1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

Public liability.

"w. The term 'public liability'¹⁶ means any legal liability arising out of or resulting from a nuclear incident, except: (i) claims under State or Federal workmen's compensation acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs; (ii) claims arising out of an act of war; and (iii) whenever used in subsections 170 a., c., and k., claims for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the licensed activity where the nuclear incident occurs. 'Public liability' also includes damage to property of persons indemnified: *Provided*, That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs.

Research and development.

"x. The term 'research and development' means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

Restricted Data.

"y. The term 'Restricted Data' means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142.

¹⁶ Public Law 85-256 (71 Stat. 576) (1957), sec. 3, added subsection w. Public Law 87-206 (75 Stat. 475) (1961), sec. 3, amended the subsection. Before amendment it read:

"u. The term 'public liability' means any legal liability arising out of or resulting from a nuclear incident, except claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs, and except for claims arising out of an act of war. 'Public liability' also includes damage to property of persons indemnified: *Provided*, That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs."

"z. The term 'source material' means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time.

Source
material.

"aa. The term 'special nuclear material' means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

Special nuclear
material.

"bb. The term 'United States' when used in a geographical sense includes all Territories and possessions of the United States, the Canal Zone and Puerto Rico.¹⁷

United States.

"cc. The term 'utilization facility' means (1) any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

Utilization
facility.

"CHAPTER 3. ORGANIZATION

"SEC. 23.¹⁸ OFFICE.—The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia.

Office.
42 U.S.C.
sec. 2033.

¹⁷ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 1, amended this definition. Before amendment it read:

"u. The term 'United States', when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone."

¹⁸ P.L. 93-438, Sec. 104(a) (88 Stat. 1233) (1974), sections 21 and 22. Prior to repeal, section 21, read as follows.

"SEC. 21. ATOMIC ENERGY COMMISSION.—There is hereby established an Atomic Energy Commission, which shall be composed of five members, each of whom shall be a citizen of the United States. The President shall designate one member of the Commission as Chairman thereof to serve as such during the pleasure of the President. The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission, shall have full access to all information relating to the performance of his duties or responsibilities, and shall have one vote.

(Continued)

General
Manager,
Deputy and
Assistant Gen-
eral Managers,
42 U.S.C.
sec. 2034.

"SEC. 24. GENERAL MANAGER, DEPUTY AND ASSISTANT GENERAL MANAGERS.¹⁹—There is hereby established within the Commission—

"a. a General Manager, who shall be the chief executive officer of the Commission, and who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, and shall be removable by the Commission.²⁰

"b. a Deputy General Manager, who shall act in the stead of the General Manager during his absence when so directed by the General Manager, and who shall perform such other administrative and executive functions as the General Manager shall direct. The Deputy General Manager shall be appointed by

(Continued)

Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or Acting Chairman in the absence of the Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public, and, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct. The Commission shall have an official seal which shall be judicially noticed."

Public Law 84-337 (69 Stat. 630) (1955), sec. 3 had previously amended the fifth sentence of sec. 21. Before amendment this sentence read:

"Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission and shall have one vote."

Prior to repeal, sec. 22 read as follows:

SEC. 22. MEMBERS.—

"a. Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and qualifications of the nominee. The term of office of each member of the Commission taking office after June 30, 1950, shall be five years, except that (1) the terms of office of the members first taking office after June 30, 1950, shall expire, as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after June 30, 1950; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"b. No member of the Commission shall engage in any business, vocation, or employment other than that of serving as a member of the Commission."

Public Law 88-426 (78 Stat. 400) (1964), sec. 305(10)(A) previously amended sec. 22 a. by repealing the last sentence, which read: "Each member, except the Chairman, shall receive compensation at the rate of \$22,000 per annum; and the member designated as Chairman shall receive compensation at the rate of \$22,500 per annum."

Public Law 85-287 (71 Stat. 612) (1957), sec. 1, had amended that sentence by substituting \$22,000 for \$18,000, and by substituting \$22,500 for \$20,000.

¹⁹ Public Law 85-287 (71 Stat. 612) (1957), sec. 2, amended sec. 24 and replaced it in its entirety. Before amendment sec. 24 read:

"Sec. 24. GENERAL MANAGER.—There is hereby established within the Commission a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate determined by the Commission, but not in excess of \$20,000 per annum."

²⁰ Public Law 88-426 (78 Stat. 400) (1964), sec. 306(f), amended the last sentence of sec. 24 c. by inserting "and" immediately before "shall be removable by the General Manager" and by deleting the last part of the sentence which read: ", and shall receive compensation at a rate determined by the General Manager, but not in excess of \$20,500 per annum".

the General Manager with the approval of the Commission, shall serve at the pleasure of the General Manager, and shall be removable by the General Manager.²¹

"c. Assistant General Managers, or their equivalents (not to exceed a total of three positions), who shall perform such administrative and executive functions as the General Manager shall direct. They shall be appointed by the General Manager with the approval of the Commission, shall serve at the pleasure of the General Manager, and shall be removable by the General Manager."²²

"SEC. 25. DIVISIONS, OFFICES, AND POSITIONS.²³—There is hereby established within the Commission—

"a. a Division of Military Application and such other program divisions (not to exceed ten in number) as the Commission may determine to be necessary to the discharge of its responsibilities, including a division or divisions the primary responsibilities of which include the development and application of civilian uses of atomic energy. The Division of Military Application shall be under the direction of an Assistant General Manager for Military Application, who shall be appointed by the Commission and shall be an active commissioned officer of the Armed Forces serving in general or flag officer rank or grade, as appropriate. Each other program division shall be under the direction of a Director who shall be appointed by the Commission. The Commission shall require each such division to exercise such of the Commission's administrative and executive powers as the Commission may determine;²⁴

Divisions and offices.
42 U.S.C. sec. 2035. Assistant General Manager for Military Application. Program divisions.

²¹ Public Law 88-426 (78 Stat. 400) (1964), sec. 306(f), amended the last sentence of sec. 24 b. by inserting "and" immediately before "shall be removable by the General Manager" and by deleting the last part of the sentence which read: "and shall receive compensation at a rate determined by the General Manager, but not in excess of \$20,500 per annum".

²² Public Law 88-426 (78 Stat. 400) (1964), sec. 306(f), amended the last sentence of sec. 24 c. by inserting "and" immediately before "shall be removable by the General Manager" and by deleting the last part of the sentence which read: "and shall receive compensation at a rate determined by the General Manager, but not in excess of \$20,000 per annum".

²³ Public Law 85-287 (71 Stat. 612) (1957), sec. 3, amended the title of sec. 25. Before amendment the title of this section was: "Divisions and Offices."

²⁴ Public Law 90-190 (81 Stat. 575) (1967), sec. 5, amended sec. 25 a. Before amendment, sec. 25 a. read as follows:

"a. a Division of Military Application and such other program divisions (not to exceed ten in number) as the Commission may determine to be necessary to the discharge of its responsibilities, including a division or divisions the primary responsibilities of which include the development and application of civilian uses of atomic energy. Each such division shall be under the direction of a Director who shall be appointed by the Commission. The Director of the Division of Military Application shall be an active member of the Armed Forces. The Commission shall require each such division to exercise such of the Commission's administrative and executive powers as the Commission may determine."

Public Law 88-426 (78 Stat. 400) (1964), sec. 306(f), earlier had amended the second sentence of sec. 25 a. by deleting the last part which read: "and shall receive compensation at a rate determined by the Commission, but not in excess of \$19,000 per annum". Public Law 85-287 (71 Stat. 612) (1957), sec. 3, had amended that sentence by substituting \$19,000 for \$16,000.

General
Counsel.

"b. an Office of the General Counsel under the direction of the General Counsel who shall be appointed by the Commission;²⁵ and

Inspection
Division.

"c. an Inspection Division under the direction of a Director who shall be appointed by the Commission.²⁶ The Inspection Division shall be responsible for gathering information to show whether or not the contractors, licensees, and officers and employees of the Commission are complying with the provisions of this Act (except those provisions for which the Federal Bureau of Investigation is responsible) and the appropriate rules and regulations of the Commission.

"d. such other executive management positions (not to exceed six in number) as the Commission may determine to be necessary to the discharge of its responsibilities. Such positions shall be established by the General Manager with the approval of the Commission. They shall be appointed by the General Manager with the approval of the Commission, shall serve at the pleasure of the General Manager, and shall be removable by the General Manager.²⁷

"SEC. 26.²⁸

Military
Liaison
Committee.
42 U.S.C.
sec. 2037.

"SEC. 27. MILITARY LIAISON COMMITTEE.—There is hereby established a Military Liaison Committee consisting of—

"a. a Chairman, who shall be the head thereof and who shall be appointed by the President, by and

²⁵ Public Law 88-426 (78 Stat. 400) (1964), sec. 306(f), amended sec. 25 b. by deleting the last part which read: "and shall receive compensation at a rate determined by the Commission, but not in excess of \$19,500 per annum."

Public Law 85-287 (71 Stat. 612) (1957), sec. 3, had amended sec. 25 b. by substituting \$19,500 for \$16,000.

²⁶ Public Law 88-426 (78 Stat. 400) (1964), sec. 306(f), amended the first sentence of sec. 25 c. by deleting the last part which read: "and shall receive compensation at a rate determined by the Commission, but not in excess of \$19,000 per annum".

Public Law 85-287 (71 Stat. 612) (1957), sec. 3, had amended that sentence by substituting \$19,000 for \$16,000.

²⁷ Public Law 85-287 (71 Stat. 612) (1957), sec. 3, added subsec. d. Public Law 88-426 (78 Stat. 400) (1964), sec. 306(f), amended the last sentence of this subsection by inserting "and" immediately before "shall be removable by the General Manager and by deleting the last part of the sentence which read: "and shall receive compensation at a rate determined by the General Manager, but not in excess of \$19,000 per annum".

²⁸ Public Law 95-91 (91 Stat. 608) (1977) sec. 709(c) (1), repealed sec. 26 which read:

"GENERAL ADVISORY COMMITTEE.—There shall be a General Advisory Committee to advise the Commission on scientific and technical matters relating to materials, production, and research and development, to be composed of nine members, who shall be appointed from civilian life by the President. Each member shall hold office for a term of six years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (b) the terms of office of the members first taking office after August 1, 1946, shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after August 1, 1946. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee."

with the advice and consent of the Senate, who shall serve at the pleasure of the President;²⁹ and

"b. a representative or representatives from each of the Departments of the Army, Navy, and Air Force, in equal numbers, as determined by the Secretary of Defense, to be assigned from each Department by the Secretary thereof, and who will serve without additional compensation.

"The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence. The Commission shall advise and consult with the Department of Defense, through the Committee, on all atomic energy matters which the Department of Defense deems to relate to military applications of atomic weapons or atomic energy including the development, manufacture, use, and storage of atomic weapons, the allocation of special nuclear material for military research, and the control of information relating to the manufacture or utilization of atomic weapons; and shall keep the Department of Defense, through the Committee, fully and currently informed of all such matters before the Commission. The Department of Defense, through the Committee, shall keep the Commission fully and currently informed on all matters within the Department of Defense which the Commission deems to relate to the development or application of atomic energy. The Department of Defense, through the Committee, shall have the authority to make written recommendations to the Commission from time to time on matters relating to military applications of atomic energy as the Department of Defense may deem appropriate. If the Department of Defense at any time concludes that any request, action, proposed action, or failure to act on the part of the Commission is adverse to the responsibilities of the Department of Defense, the Secretary of Defense shall refer the matter to the President whose decision shall be final.

Authority of
Defense De-
partment.

"SEC. 28. APPOINTMENT OF ARMY, NAVY, OR AIR FORCE OFFICERS.—Notwithstanding the provisions of any other law, the officer of the Army, Navy, or Air Force serving as Assistant General Manager for Military Application shall serve without prejudice to his commissioned status as such officer. Any such officer serving as Assistant General Manager for Military Application shall receive in addition to his pay and allowances, including special and incentive pays, for which pay and allowances the Commission shall reimburse his service, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensa-

Appointment
of Army, Navy
or Air Force
officers.
42 U.S.C.
sec. 2038.

²⁹ Public Law 88-426 (78 Stat. 400) (1964), sec. 305(10) (B), repealed the phrase "and who shall receive compensation at the rate prescribed for an Assistant Secretary of Defense", which appeared after the word "President".

Chairman, Military Liaison Committee.

tion established for this position.³⁰ Notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Military Liaison Committee without prejudice to his active or retired status as such officer. Any such officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, or in addition to his retired pay, an amount equal to the difference between such pay and allowances, including special and incentive pays, or between his retired pay, and the compensation prescribed for the Chairman of the Military Liaison Committee.

Committee on Reactor Safeguards.
42 U.S.C.
sec. 2039.

"SEC. 29. ADVISORY COMMITTEE ON REACTOR SAFEGUARDS.—There is hereby established an Advisory Committee on Reactor Safeguards consisting of a maximum of fifteen members appointed by the Commission for terms of four years each. The Committee shall review safety studies and facility license applications referred to it and shall make reports thereon, shall advise the Commission with regard to the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards, and shall perform such other duties as the Commission may request. One member shall be designated by the Committee as its Chairman. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, or other work of the Committee, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee. The provisions of section 163 shall be applicable to the Committee.³¹ In addition to its other duties under this section, the committee, making use of all available sources, shall undertake a study of reactor safety research and prepare and submit annually to the Congress a report containing the results of such study. The first such report shall be submitted to the Congress not later than December 31, 1977.³²

³⁰ Public Law 90-190 (81 Stat. 575) (1967), sec. 6, amended the first two sentences of sec. 28. Prior to this amendment, these sentences read as follows:

"Notwithstanding the provisions of any other law, any active officer of the Army, Navy, or Air Force may serve as Director of the Division of Military Application without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation established for this position pursuant to section 303 or section 309 of the Federal Executive Salary Act of 1964."

Public Law 88-426 (73 Stat. 400), sec. 306, had earlier amended the second sentence of sec. 28 by substituting the last phrase for the phrase "and the compensation prescribed in section 25".

³¹ Public Law 85-256 (71 Stat. 576) (1957), sec. 5, added sec. 29.

³² Public Law 95-209 (91 Stat. 1483) (1977), sec. 5, amended sec. 29 by adding the last two sentences.

“CHAPTER 4. RESEARCH

“SEC. 31. RESEARCH ASSISTANCE.—

“a. The Commission is directed to exercise its powers in such manner as to insure the continued conduct of research and development and training³³ activities in the fields specified below, by private or public institutions or persons, and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities relating to—

**Research
assistance.
42 U.S.C.
sec. 2051.**

“(1) nuclear processes;

“(2) the theory and production of atomic energy, including processes, materials, and devices related to such production;

“(3) utilization of special nuclear material and radioactive material for medical, biological, agricultural, health, or military purposes;

“(4) utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial or commercial uses, the generation of usable energy, and the demonstration of advances in the commercial or industrial application of atomic energy;³⁴

“(5) the protection of health and the promotion of safety during research and production activities; and

“(6) the preservation and enhancement of a viable environment by developing more efficient methods to meet the Nation's energy needs.³⁵

“b. The Commission is further authorized to make grants and contributions to the cost of construction and operation of reactors and other facilities and other equipment to colleges, universities, hospitals, and eleemosynary or charitable institutions for the conduct of educational and training activities relating to the fields in subsection a.³⁶

**Grants for construction of
reactors, etc.**

³³ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 2, added the words “and training”.

³⁴ Public Law 91-560 (84 Stat. 1472) (1970), sec. 1, amended paragraph 31 a. (4) which read as follows: “Utilization of special nuclear material, atomic energy, and radioactivity material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial use, the generation of usable energy, and the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes; and”.

³⁵ Public Law 92-84 (85 Stat. 304) (1971), sec. 201(a), added paragraph (6).

³⁶ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 3, added subsec. 31 b. and redesignated former subsecs. 31 b. and c. as subsecs. 31 c. and d., respectively.

41 U.S.C.
252(c).
(See 41 U.S.C.
260(b).)

"c. The Commission may (1) make arrangements pursuant to this section, without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable; (2) make partial and advance payments under such arrangements; and (3) make available for use in connection therewith such of its equipment and facilities as it may deem desirable.

"d. The arrangements made pursuant to this section shall contain such provisions (1) to protect health, (2) to minimize danger to life or property, and (3) to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine. No such arrangement shall contain any provisions or conditions which prevent the dissemination of scientific or technical information, except to the extent such dissemination is prohibited by law.

Research by the
Commission.
42 U.S.C.
sec. 2052.

"SEC. 32. RESEARCH BY THE COMMISSION.—The Commission is authorized and directed to conduct, through its own facilities, activities and studies of the types specified in section 31.

Research for
others.

"SEC. 33. RESEARCH FOR OTHERS.—Where the Commission finds private facilities or laboratories are inadequate for the purpose, it is authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of energy.³⁷ To the extent the Commission determines that private facilities or laboratories are inadequate to the purpose, and that the Commission's facilities, or scientific or technical resources have the potential of lending significant assistance to other persons in the fields of protection of public health and safety, the Commission may also assist other persons in these fields by conducting for such persons, through the Commission's own facilities, research and development or training activities and studies. The Commission is authorized to determine and make such charges as in its discretion may be desirable for the conduct of the activities and studies referred to in this section.³⁸

³⁷ Public Law 92-84 (85 Stat. 304) (1971), sec. 201(b), amended this sentence. Prior to amendment it read as follows: "Where the Commission finds private facilities or laboratories are inadequate to the purpose, it is authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of atomic energy."

³⁸ Public Law 90-190 (81 Stat. 575) (1967), sec. 7, amended sec. 33. Prior to amendment, the section reads as follows:

"SEC. 33. RESEARCH FOR OTHERS.—Where the Commission finds private facilities or laboratories are inadequate to the purpose, it is authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of atomic energy. The Commission is authorized to determine and make such charges as in its discretion may be desirable for the conduct of such activities and studies."

“CHAPTER 5. PRODUCTION OF SPECIAL NUCLEAR MATERIAL

“SEC. 41. OWNERSHIP AND OPERATION OF PRODUCTION FACILITIES.—

Ownership and
operation of
production
facilities.
42 U.S.C.
sec. 2061.

“a. OWNERSHIP OF PRODUCTION FACILITIES.—The Commission, as agent of and on behalf of the United States, shall be the exclusive owner of all production facilities other than facilities which (1) are useful in the conduct of research and development activities in the fields specified in section 31, and do not, in the opinion of the Commission, have a potential production rate adequate to enable the user of such facilities to produce within a reasonable period of time a sufficient quantity of special nuclear material to produce an atomic weapon; or (2) are licensed by the Commission pursuant to section 103 or 104.

“b. OPERATION OF THE COMMISSION’S PRODUCTION FACILITIES.—The Commission is authorized and directed to produce or to provide for the production of special nuclear material in its own production facilities. To the extent deemed necessary, the Commission is authorized to make, or to continue in effect, contracts with persons obligating them to produce special nuclear material in facilities owned by the Commission. The Commission is also authorized to enter into research and development contracts authorizing the contractor to produce special nuclear material in facilities owned by the Commission to the extent that the production of such special nuclear material may be incident to the conduct of research and development activities under such contracts. Any contract entered into under this section shall contain provisions (1) prohibiting the contractor from subcontracting any part of the work he is obligated to perform under the contract, except as authorized by the Commission; and (2) obligating the contractor (A) to make such reports pertaining to activities under the contract to the Commission as the Commission may require, (B) to submit to inspection by employees of the Commission of all such activities, and (C) to comply with all safety and security regulations which may be prescribed by the Commission. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of

Operation
of the
Commission’s
production
facilities.

41 U.S.C.
252(c).
(See 41 U.S.C.
260(b).)

the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under such contracts.³⁹

Operation
of other
production
facilities.

"C. OPERATION OF OTHER PRODUCTION FACILITIES.—Special nuclear material may be produced in the facilities which under this section are not required to be owned by the Commission.

Irradiation of
materials.
42 U.S.C.
sec. 2062.

"SEC. 42. IRRADIATION OF MATERIALS.—The Commission and persons lawfully producing or utilizing special nuclear material are authorized to expose materials of any kind to the radiation incident to the processes of producing or utilizing special nuclear material.

Acquisition of
production
facilities.
42 U.S.C.
sec. 2063.

"SEC. 43. ACQUISITION OF PRODUCTION FACILITIES.—The Commission is authorized to purchase any interest in facilities for the production of special nuclear materials, or in real property on which such facilities are located, without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. The Commission is further authorized to requisition, condemn, or otherwise acquire any interest in such production facilities, or to condemn or otherwise acquire such real property, and just compensation shall be made therefor.

44 U.S.C.
252(c).
(Sec. 41 U.S.C.
260(b).)

Disposition of
energy.
42 U.S.C.
sec. 2064.

"SEC. 44. DISPOSITION OF ENERGY.—If energy is produced at production facilities of the Commission or is produced in experimental utilization facilities of the Commission, such energy may be used by the Commission, or transferred to other Government agencies, or sold to publicly, cooperatively, or privately owned utilities or users at reasonable and nondiscriminatory prices. If the energy produced is electric energy, the price shall be subject to regulation by the appropriate agency having jurisdiction. In contracting for the disposal of such energy, the Commission shall give preference and priority to public bodies and cooperatives or to privately owned utilities providing electric utility services to high cost areas not being served by public bodies or cooperatives. Nothing in this Act shall be construed to authorize the Commission to engage in the sale or distribution of energy for commercial use except such energy as may be produced by the Commission incident to the operation of research and development facilities of the Commission, or of production facilities of the Commission.

³⁹ Public Law 90-190 (81 Stat. 575) (1967), sec. 8, deleted the last sentence of sec. 41b, which read as follows: "The President shall determine in writing at least once each year the quantities of special nuclear material to be produced under this section and shall specify in such determination the quantities of special nuclear material to be available for distribution by the Commission pursuant to section 53 or 54."

“CHAPTER 6. SPECIAL NUCLEAR MATERIAL

“SEC. 51. SPECIAL NUCLEAR MATERIAL.—The Commission may determine from time to time that other material is special nuclear material in addition to that specified in the definition as special nuclear material. Before making any such determination, the Commission must find that such material is capable of releasing substantial quantities of atomic energy and must find that the determination that such material is special nuclear material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission’s determination, together with the assent of the President, shall be submitted to the Joint Committee* and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment for more than three days) before the determination of the Commission may become effective: *Provided, however,* That the Joint Committee, after having received such determination, may by resolution in writing, waive the conditions of or all or any portion of such thirty-day period.

Special nuclear material
42 U.S.C.
sec. 2071.

“SEC. 53.⁴⁰ DOMESTIC DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—

“a. The Commission is authorized (i) to issue licenses to transfer or receive in interstate commerce, transfer, deliver, acquire, possess, own, receive possession of or title to, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, special nuclear material, (ii) to make special nuclear material available for the period of the license, and, (iii) to distribute special nuclear material within the United States to qualified applicants requesting such material—⁴¹

Nuclear material licenses
42 U.S.C.
sec. 2073.

*See Public Law 95-110, sec. 301b, page 141.

⁴⁰ Public Law 88-489 (78 Stat. 602) (1964), sec. 4, reads as follows:

“Section 52 of the Atomic Energy Act of 1954, as amended, is repealed. All rights, title, and interest in and to any special nuclear material vested in the United States solely by virtue of the provisions of the first sentence of such section 52, and not by any other transaction authorized by the Atomic Energy Act of 1954, as amended, or other applicable law, are hereby extinguished.”

Section 52 read as follows:

“SEC. 52. GOVERNMENT OWNERSHIP OF ALL SPECIAL NUCLEAR MATERIAL.—All rights, title, and interest in or to any special nuclear material within or under the jurisdiction of the United States, now or hereafter produced, shall be the property of the United States and shall be administered and controlled by the Commission as agent of and on behalf of the United States by virtue of this Act. Any person owning any interest in any special nuclear material at the time when such material is hereafter determined to be a special nuclear material shall be paid just compensation therefor. Any person who lawfully produces any special nuclear material, except pursuant to a contract with the Commission under the provisions of section 31 or 41, shall be paid a fair price, determined pursuant to section 56, for producing such material.”

⁴¹ Public Law 88-489 (78 Stat. 602) (1964), sec. 5, amended this subsection. Before amendment, this subsection read:

“a. The Commission is authorized to issue licenses for the possession of, to make available for the period of the license, and to distribute special nuclear material within the United States to qualified applicants requesting such material.—”

“(1) for the conduct of research and development activities of the types specified in section 31;

“(2) for use in the conduct of research and development activities or in medical therapy under a license issued pursuant to section 104;

“(3) for use under a license issued pursuant to section 103;

“(4) for such other uses as the Commission determines to be appropriate to carry out the purposes of this Act.⁴²

“b. The Commission shall establish, by rule, minimum criteria for the issuance of specific or general licenses for the distribution of special nuclear material depending upon the degree of importance to the common defense and security or to the health and safety of the public of—

“(1) the physical characteristics of the special nuclear material to be distributed;

“(2) the quantities of special nuclear material to be distributed; and

“(3) the intended use of the special nuclear material to be distributed.

“c. (1) The Commission may distribute special nuclear material licensed under this section by sale, lease, lease with option to buy, grant, or through the provision of production or enrichment services:⁴³ *Provided, however,* That unless otherwise authorized by law, the Commission shall not after December 31, 1970, distribute special nuclear material except by sale or through the provision of production or enrichment services⁴³ to any person who possesses or operates a utilization facility under a license issued pursuant to section 103 or 104 b. for use in the course of activities under such license; nor shall the Commission permit any such person after June 30, 1973, to continue leasing for use in the course of such activities special nuclear material previously leased to such person by the Commission.

“(2) The Commission shall establish reasonable sales prices for the special nuclear material licensed and distributed by sale under this section. Such sales prices shall be established on a nondiscriminatory basis which, in the opinion of the Commission, will provide reasonable compensation to the Government for such special nuclear material.

“(3) The Commission is authorized to enter into agreements with licensees for such period of time as the Commission may deem necessary or desirable to distribute to such licensees such quantities of special nuclear material as may be necessary for the conduct of the licensed activity. In such agreements, the Commission may agree to repurchase any special nuclear material licensed and dis-

Distribution

Agreements.

⁴² Public Law 85-681 (72 Stat. 632) (1958), sec. 1, added clause (4).

⁴³ Public Law 90-190 (81 Stat. 575) (1967), sec. 10, added the phrase “or through the provision of production or enrichment services”.

tributed by sale which is not consumed in the course of the licensed activity, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission.

"(4) The Commission may make a reasonable charge, determined pursuant to this section, for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (1), (2) or (4)⁴⁴ and shall make a reasonable charge determined pursuant to this section for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (3). The Commission shall establish criteria in writing for the determination of whether special nuclear material will be distributed by grant and for the determination of whether a charge will be made for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (1), (2) or (4), considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the special nuclear material will be used.⁴⁵

Charges.

"d. In determining the reasonable charge to be made by the Commission for the use of special nuclear material distributed by lease⁴⁶ to licensees of utilization or production facilities licensed pursuant to section 103 or 104, in addition to consideration of the cost thereof, the Commission shall take into consideration—

"(1) the use to be made of the special nuclear material;

"(2) the extent to which the use of the special nuclear material will advance the development of the peaceful uses of atomic energy;

"(3) the energy value of the special nuclear material in the particular use for which the license is issued;

"(4) whether the special nuclear material is to be used in facilities licensed pursuant to section 103 or 104. In this respect, the Commission shall, insofar

⁴⁴ Public Law 85-681 (72 Stat. 632) (1958), sec. 2, amended subsec. c. of sec. 53. Before amendment this phrase and the same phrase in the next sentence read "subsection 53 a. (1) or subsection 53 a. (2)". See footnote 45.

⁴⁵ Public Law 88-489 (78 Stat. 602) (1964), sec. 6, amended subsec. 53c. Before amendment, this subsection read:

"c. The Commission may make a reasonable charge, determined pursuant to this section, for the use of special nuclear material licensed and distributed under subsection 53 a. (1), (2) or (4) and shall make a reasonable charge determined pursuant to this section for the use of special nuclear material licensed and distributed under subsection 53 a. (3). The Commission shall establish criteria in writing for the determination of whether a charge will be made for the use of special nuclear material licensed and distributed under subsection 53 a. (1), (2) or (4) considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the special nuclear material will be used."

⁴⁶ Public Law 88-489 (78 Stat. 602) (1964), sec. 7, added the words "by lease".

as practicable, make uniform, nondiscriminatory charges for the use of special nuclear material distributed to facilities licensed pursuant to section 103; and

"(5) with respect to special nuclear material consumed in a facility licensed pursuant to section 103, the Commission shall make a further charge equivalent to the sale price for similar special nuclear material established by the Commission in accordance with subsection 53 c. (2), and the Commission may make such a charge with respect to such material consumed in a facility licensed pursuant to section 104.⁴⁷

License conditions.

"e. Each license issued pursuant to this section shall contain and be subject to the following conditions—

"(2)⁴⁸ no right to the special nuclear material shall be conferred by the license except as defined by the license;

"(3) neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of this Act;

"(4) all special nuclear material shall be subject to the right of recapture or control reserved by section 108 and to all other provisions of this Act;

"(5) no special nuclear material may be used in any utilization or production facility except in accordance with the provisions of this Act;

"(6) special nuclear material shall be distributed only on terms, as may be established by rule of the Commission, such that no user will be permitted to construct an atomic weapon;

"(7) special nuclear material shall be distributed only pursuant to such safety standards as may be established by rule of the Commission to protect health and to minimize danger to life or property; and

"(8) except to the extent that the indemnification and limitation of liability provisions of section 170 apply, the license will hold the United States and the Commission harmless from any damages resulting from the use or possession of special nuclear material by the licensee.⁴⁹

⁴⁷ Public Law 88-489 (78 Stat. 602) (1964), sec. 7, amended this paragraph. Before amendment this paragraph read:

"(5) with respect to special nuclear material consumed in a facility licensed pursuant to section 103, the Commission shall make a further charge based on the cost to the Commission, as estimated by the Commission, or the average fair price paid for the production of such special nuclear material as determined by section 56, whichever is lower."

⁴⁸ Public Law 88-489 (78 Stat. 602) (1964), sec. 8, deleted, subsec. 53 e. (1), Subsec. 53 e. (1) read:

"(1) title to all special nuclear material shall at all times be in the United States."

⁴⁹ Public Law 95-256 (71 Stat. 576) (1957), sec. 2 amended sec. 53 e. (8). Before amendment this subsection read:

"(8) the licensee will hold the United States and the Commission harmless from any damages resulting from the use or possession of special nuclear material by the licensee."

"f. The Commission is directed to distribute within the United States sufficient special nuclear material to permit the conduct of widespread independent research and development activities to the maximum extent practicable.⁵⁰ In the event that applications for special nuclear material exceed the amount available for distribution, preference shall be given to those activities which are most likely, in the opinion of the Commission, to contribute to basic research, to the development of peacetime uses of atomic energy, or to the economic and military strength of the Nation.

Distribution
for independ-
ent research,
etc.

"SEC. 54. FOREIGN DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—a. The Commission is authorized to cooperate with any nation or group of nations by distributing special nuclear material and to distribute such special nuclear material, pursuant to the terms of an agreement for cooperation to which such nation or group of nations is a party and which is made in accordance with section 123. Unless hereafter otherwise authorized by law the Commission shall be compensated for special nuclear material so distributed at not less than the Commission's published charges applicable to the domestic distribution of such material, except that the Commission to assist and encourage research on peaceful uses or for medical therapy may so distribute without charge during any calendar year only a quantity of such material which at the time of transfer does not exceed in value \$10,000 in the case of one nation or \$50,000 in the case of any group of nations. The Commission may distribute to the International Atomic Energy Agency, or to any group of nations, only such amounts of special nuclear materials and for such period of time as are authorized by Congress: *Provided, however, That, (i) notwithstanding this provision, the Commission is hereby authorized, subject to the provisions of section 123, to distribute to the Agency five thousand kilograms of contained uranium-235, five hundred grams of uranium-233, and three kilograms of plutonium, together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear materials made available by all other members of the Agency to June 1, 1960; and (ii) notwithstanding the foregoing provisions of this subsection, the Commission may distribute to the International Atomic Energy Agency, or to any group of nations, such other amounts of special nuclear materials and for such other periods of time as are established in writing by the Commission: Provided, however, That before they are established by the Commission pursuant to this subdivision (ii), such proposed amounts and*

Foreign dis-
tribution of
special nuclear
material,
42 U.S.C.
sec. 2074.

⁵⁰ Public Law 90-190 (81 Stat. 575) (1967), sec. 9, deleted the following phrase which appeared at the end of this sentence: "and within the limitations set by the President pursuant to section 41."

periods shall be submitted to the Congress and referred to the Joint Committee* and a period of sixty days shall elapse while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of adjournment of more than three days): *And provided further*, That any such proposed amounts and periods shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed action: *And provided further*, That prior to the elapse of the first thirty days of any such sixty-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed amounts and periods and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed amounts or periods. The Commission may agree to repurchase any special nuclear material distributed under a sale arrangement pursuant to this subsection which is not consumed in the course of activities conducted in accordance with the agreement for cooperation, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission. The Commission may also agree to purchase, consistent with and within the period of the agreement for cooperation, special nuclear material produced in a nuclear reactor located outside the United States through the use of special nuclear material which was leased or sold pursuant to this subsection. Under any such agreement the Commission shall purchase only such material as is delivered to the Commission during any period when there is in effect a guaranteed purchase price for the same material produced in a nuclear reactor by a person licensed under section 104, established by the Commission pursuant to section 56, and the price to be paid shall be the price so established by the Commission and in effect for the same material delivered to the Commission.

Purchase of
special nuclear
material.

Foreign
distribution
of certain
materials.

"b. Notwithstanding the provisions of sections 123, 124, and 125, the Commission is authorized to distribute to any person outside the United States (1) plutonium containing 80 per centum or more by weight of plutonium-238, and (2) other special nuclear material when it has, in accordance with subsection 57 d., exempted certain classes or quantities of such other special nuclear material or kinds of uses or users thereof from the requirements for a license set forth in this chapter. Unless hereafter otherwise authorized by law, the Commission shall be

*See Public Law 95-110, sec. 301b, page 141.

compensated for special nuclear material so distributed at not less than the Commission's published charges applicable to the domestic distribution of such material. The Commission shall not distribute any plutonium containing 80 per centum or more by weight of plutonium-238 to any person under this subsection if, in its opinion, such distribution would be inimical to the common defense and security. The Commission may require such reports regarding the use of material distributed pursuant to the provisions of this subsection as it deems necessary.

"c. The Commission is authorized to license or otherwise permit others to distribute special nuclear material to any person outside the United States under the same conditions, except as to charges, as would be applicable if the material were distributed by the Commission.⁵¹

"d. The authority to distribute special nuclear material under this section other than under an export license granted by the Nuclear Regulatory Commission shall extend only to the following small quantities of special nuclear material (in no event more than five hundred

⁵¹ Section 2 of Public Law 93-377 (88 Stat. 473) (1974), amended section 54. Previously section 54 read as follows:

"SEC. 54. FOREIGN DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—The Commission is authorized to cooperate with any nation by distributing special nuclear material and to distribute such special nuclear material, pursuant to the terms of an agreement for cooperation to which such nation is a party and which is made in accordance with section 123. Unless hereafter otherwise authorized by law the Commission shall be compensated for special nuclear material so distributed at not less than the Commission's published charges applicable to the domestic distribution of such material, except that the Commission to assist and encourage research on peaceful uses or for medical therapy may so distribute without charge during any calendar year only a quantity of such material which at the time of transfer does not exceed in value \$10,000 in the case of one nation or \$50,000 in the case of any group of nations. The Commission may distribute to the International Atomic Energy Agency, or to any group of nations, only such amounts of special nuclear materials and for such periods of time as are authorized by Congress: *Provided, however*, That, notwithstanding this provision, the Commission is hereby authorized subject to the provisions of section 123, to distribute to the Agency five thousand kilograms of contained uranium-235, five hundred grams of uranium 233 and three kilograms of plutonium together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear materials made available by all other members of the Agency to July 1, 1960. The Commission may agree to repurchase any special nuclear material distributed under a sale arrangement pursuant to this section which is not consumed in the course of the activities conducted in accordance with the agreement for cooperation, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission. The Commission may also agree to purchase, consistent with and within the period of the agreement for cooperation, special nuclear material produced in a nuclear reactor located outside the United States through the use of special nuclear material which was leased or sold pursuant to this section. Under any such agreement, the Commission shall purchase only such material as is delivered to the Commission during any period when there is in effect a guaranteed purchase price for the same material produced in a nuclear reactor by a person licensed under section 104, established by the Commission pursuant to section 56, and the price to be paid shall be the price so established by the Commission and in effect for the same material delivered to the Commission.*

* Public Law 88-487 (78 Stat. 602) (1964) had added the last three sentences to section 54. Public Law 87-206 (75 Stat. 475) (1961) sec. 4, had added the words "five hundred grams of uranium 233 and three kilograms of plutonium" to the proviso in this section. Public Law 85-177 (71 Stat. 453) (1957), sec. 7, had added the second and third sentences, including the proviso, to sec. 54.

grams per year of the uranium isotope 233, the uranium isotope 235, or plutonium contained in special nuclear material to any recipient):

“(1) which are contained in laboratory samples, medical devices, or monitoring or other instruments; or

“(2) the distribution of which is needed to deal with an emergency situation in which time is of the essence.

“e. The authority in this section to commit United States funds for any activities pursuant to any subsequent arrangement under section 131 a. (2) (E) shall be subject to the requirements of section 131.⁵²

“SEC. 55. ACQUISITION.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to purchase without regard to the limitations in section 54 or any guaranteed purchase prices established pursuant to section 56, and to take, requisition, condemn, or otherwise acquire any special nuclear material or any interest therein. Any contract of purchase made under this section may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. Just compensation shall be made for any right, property, or interest in property taken, requisitioned, or condemned under this section.⁵³ *Provided*, That the authority in this section to commit United States funds for any activities pursuant to any subsequent arrangement under section 131 a. (2) (E) shall be subject to the requirements of section 131.⁵⁴

“SEC. 56. GUARANTEED PURCHASE PRICES.—The Commission shall establish guaranteed purchase prices for plutonium produced in a nuclear reactor by a person licensed under section 104 and delivered to the Commission before January 1, 1971. The Commission shall also establish for such periods of time as it may deem necessary but not to exceed ten years as to any such period, guaranteed purchase prices for uranium enriched in the

Acquisition.
42 U.S.C.
sec. 2075.

41 U.S.C.
252(c)
(see 41 U.S.C.
260(b).)

Guaranteed
purchase prices
42 U.S.C.
sec. 2076.

⁵² Public Law 95-242 (92 Stat. 125) (1978), sec. 301(a) and sec. 303 (b) (1) added subsec. 54(d) and subsec. 54(e), respectively.

⁵³ Public Law 88-489 (78 Stat. 602) (1964), sec. 10, amended sec. 55 by substituting a complete new sec. 55. Before amendment sec. 55 read as follows:

SEC. 55. ACQUISITION.—The Commission is authorized to purchase or otherwise acquire any special nuclear material or any interest therein outside the United States without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes.”

⁵⁴ Public Law 95-242 (92 Stat. 131) (1978), sec. 303(b) (2), added the proviso at the end of sec. 55.

isotope 233 produced in a nuclear reactor by a person licensed under section 103 or section 104 and delivered to the Commission within the period of the guarantee.⁵⁵ Guaranteed purchase prices established under the authority of this section shall not exceed the Commission's determination of the estimated value of plutonium or uranium enriched in the isotope 233 as fuel in nuclear reactors, and such prices shall be established on a non-discriminatory basis: *Provided*, That the Commission is authorized to establish such guaranteed purchase prices only for such plutonium or uranium enriched in the isotope 233 as the Commission shall determine is produced through the use of special nuclear material which was leased or sold by the Commission pursuant to section 53.⁵⁶

"SEC. 57. PROHIBITION.—

"a. Unless authorized by a general or specific license issued by the Commission, which the Commission is authorized to issue pursuant to section 53, no person may transfer or receive in interstate commerce, transfer, deliver, acquire, own, possess, receive possession of or title to, or import into or export from the United States may special nuclear material.

"b. It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) as specifically authorized under an agreement for cooperation made pursuant to section 123, including a specific authorization in a subsequent arrangement under section 131 of this Act, or (2) upon authorization by the Secretary of Energy after a determination that such activity will not be inimical to the interest of the United States: *Provided*, That any such determination by the Secretary of Energy shall be made only with the concurrence of the Department of State and after consultation with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, the Department of Commerce, and the Department of Defense. The Secretary of Energy shall, within ninety days after the enactment of the Nuclear Non-Proliferation Act of 1978, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the

Unauthorized
handling.
42 U.S.C.
sec. 2077.

Special nuclear
material,
production.
Technology
transfers.
42 U.S.C. 2077.
Post, p. 142.

Post, p. 127.

Authorization
requests,
procedures.

⁵⁵ Public Law 91-560 (84 Stat. 1472) (1970), sec. 2, added "section 103 or" to this sentence.

⁵⁶ Public Law 88-489 (78 Stat. 602) (1964), sec. 11 amended sec. 56 by substituting a new sec. 56. Before amendment sec. 56 read as follows:

"SEC. 56. FAIR PRICE.—In determining the fair price to be paid by the Commission pursuant to section 52 for the production of any special nuclear material, the Commission shall take into consideration the value of the special nuclear material for its intended use by the United States and may give such weight to the actual cost of producing that material as the Commission finds to be equitable. The fair price, as may be determined by the Commission, shall apply to all licensed producers of the same material: *Provided, however*, That the Commission may establish guaranteed fair prices for all special nuclear material delivered to the Commission for such period of time as it may deem necessary but not to exceed seven years."

Standards and
criteria.

Trade secrets,
protection.

42 U.S.C. 2014.
Post, pp. 131,
141.

42 U.S.C. 7172.

42 U.S.C. 2074,
2094.
Ante, p. 125.

Secretaries of State, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the consideration of requests for authorization under this subsection. Such procedures shall include, at a minimum, explicit direction on the handling of such requests, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an interagency coordinating authority to monitor the processing of such requests, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending requests, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial requests should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of only required assurances or evidentiary showings, for the decision required under this subsection. The processing of any request proposed and filed as of the date of enactment of the Nuclear Non-Proliferation Act of 1978 shall not be delayed pending the development and establishment of procedures to implement the requirements of this subsection. Any trade secrets or proprietary information submitted by any person seeking an authorization under this subsection shall be afforded the maximum degree of protection allowable by law: *Provided further*, That the export of component parts as defined in subsection 11 v. (2) or 11 cc. (2) shall be governed by sections 109 and 126 of this Act: *Provided further*, That notwithstanding subsection 402(d) of the Department of Energy Organization Act (Public Law 95-91), the Secretary of Energy and not the Federal Energy Regulatory Commission, shall have sole jurisdiction within the Department of Energy over any matter arising from any function of the Secretary of Energy in this section, section 54 d., section 64, or section 111 b.⁵⁷

"c. The Commission shall not—

"(1) distribute any special nuclear material to any person for a use which is not under the jurisdic-

⁵⁷ Public Law 95-242 (92 Stat. 126) (1978), sec. 302, amended sec. 57 by substituting a complete new subsec. 57(b). Before amendment, subsec. 57(b) read as follows: "b. It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) under an agreement for cooperation made pursuant to section 123, or (2) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States."

tion of the United States except pursuant to the provisions of section 54; or

"(2) distribute any special nuclear material or issue a license pursuant to section 53 to any person within the United States if the Commission finds that the distribution of such special nuclear material or the issuance of such license would be inimical to the common defense and security or would constitute an unreasonable risk to the health and safety of the public.

"d. The Commission is authorized to establish classes of special nuclear material and to exempt certain classes or quantities of special nuclear material or kinds of uses or users from the requirements for a license set forth in this section when it makes a finding that the exemption of such classes or quantities of special nuclear material or such kinds of uses or users would not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public.⁵⁸

Certain
exemptions.

"SEC. 58. REVIEW.—Before the Commission establishes any guaranteed purchase price or guaranteed purchase price period in accordance with the provisions of section 56, or establishes any criteria for the waiver of any charge for the use of special nuclear material licensed and distributed under section 53, the proposed guaranteed purchase price, guaranteed purchase price period, or criteria for the waiver of such charge shall be submitted to the Joint Committee and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee, after having received the proposed guaranteed purchase price, guaranteed purchase price period, or criteria for the waiver of such charge, may by

Congressional
review.
42 U.S.C.
sec. 2078.

⁵⁸ Section 3 of Public Law 93-377 (88 Stat. 475) (1974) added new subsec. d to sec. 57. Previously Public Law 88-489 (78 Stat. 602) (1964), sec. 12, amended sec. 57 by substituting a complete new sec. 57. Before amendment sec. 57 read as follows:

"SEC. 57. PROHIBITION.—

"a. It shall be unlawful for any person to—

"(1) possess or transfer any special nuclear material which is the property of the United States except as authorized by the Commission pursuant to subsection 53 a.;

"(2) transfer or receive any special nuclear material in interstate commerce except as authorized by the Commission pursuant to subsection 53 a., or export from or import into the United States any special nuclear material; and

"(3) directly or indirectly engage in the production of any special nuclear material outside of the United States except (A) under an agreement for cooperation made pursuant to section 123, or (B) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States.

"b. The Commission shall not distribute any special nuclear material—

"(1) to any person for a use which is not under the jurisdiction of the United States except pursuant to the provisions of section 54; or

"(2) to any person within the United States, if the Commission finds that the distribution of such special nuclear material to such person would be inimical to the common defense and security."

resolution in writing waive the conditions of, or all or any portion of, such forty-five day period.^{59 60}

“CHAPTER 7. SOURCE MATERIAL

Source
material.
42 U.S.C.
sec. 2091.

Submittal of
determination
to Joint Com-
mittee.

License for
transfers
required.
42 U.S.C.
sec. 2092.

Domestic
distribution
of source
material.
42 U.S.C.
sec. 2093.

“SEC. 61. SOURCE MATERIAL.—The Commission may determine from time to time that other material is source material in addition to those specified in the definition of source material. Before making such determination, the Commission must find that such material is essential to the production of special nuclear material and must find that the determination that such material is source material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submitted to the Joint Committee* and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days) before the determination of the Commission may become effective: *Provided, however,* That the Joint Committee, after having received such determination, may by resolution in writing waive the conditions of or all or any portion of such thirty-day period.

“SEC. 62. LICENSE FOR TRANSFERS REQUIRED.—Unless authorized by a general or specific license issued by the Commission, which the Commission is hereby authorized to issue, no person may transfer or receive in interstate commerce, transfer, deliver, receive possession of or title to, or import into or export from the United States any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source material which, in the opinion of the Commission, are unimportant.

“SEC. 63. DOMESTIC DISTRIBUTION OF SOURCE MATERIAL.—

“a. The Commission is authorized to issue licenses for and to distribute source material within the United States to qualified applicants requesting such material—

⁵⁹ Public Law 85-79 (71 Stat. 274) (1957), added sec. 58. See footnote 60.

⁶⁰ Public Law 88-489 (78 Stat. 602) (1964), sec. 13, amended sec. 58 by substituting a complete new sec. 58. Before amendment sec. 58 read as follows:

“SEC. 58. REVIEW.—Before the Commission establishes any fair price or guaranteed fair price period in accordance with the provisions of section 56, or establishes any criteria for the waiver of any charge for the use of special nuclear material licensed or distributed under section 53 the proposed fair price, guaranteed fair price period, or criteria for the waiver of such charge shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee, after having received the proposed fair price, guaranteed fair prices period, or criteria for the waiver of such charge, may by resolution waive the conditions of or all or any portion of such forty-five day period.”

*See Public Law 95-110, sec. 301b, page 141.

“(1) for the conduct of research and development activities of the types specified in section 31;

“(2) for use in the conduct of research and development activities or in medical therapy under a license issued pursuant to section 104;

“(3) for use under a license issued pursuant to section 103; or

“(4) for any other use approved by the Commission as an aid to science or industry. Charges.

“b. The Commission shall establish, by rule, minimum criteria for the issuance of specific or general licenses for the distribution of source material depending upon the degree of importance to the common defense and security or to the health and safety of the public of—

“(1) the physical characteristics of the source material to be distributed;

“(2) the quantities of source material to be distributed; and

“(3) the intended use of the source material to be distributed.

“c. The Commission may make a reasonable charge determined pursuant to subsection 161 m. for the source material licensed and distributed under subsection 63 a.

(1), subsection 63 a. (2), or subsection 63 a. (4), and shall make a reasonable charge determined pursuant to subsection 161 m., for the source material licensed and distributed under subsection 63 a. (3). The Commission shall establish criteria in writing for the determination of whether a charge will be made for the source material licensed and distributed under subsection 63 a. (1), subsection 63 a. (2), or subsection 63 a. (4), considering, among other things, whether the license is a nonprofit or eleemosynary institution and the purposes for which the source material will be used.

“SEC. 64. FOREIGN DISTRIBUTION OF SOURCE MATERIAL.—The Commission is authorized to cooperate with any nation by distributing source material and to distribute source material pursuant to the terms of an agreement for cooperation to which such nation is a party and which is made in accordance with section 123. The Commission is also authorized to distribute source material outside of the United States upon a determination by the Commission that such activity will not be inimical to the interests of the United States. The authority to distribute source material under this section other than under an export license granted by the Nuclear Regulatory Commission shall in no case extend to quantities of source material in excess of three metric tons per year per recipient.⁶¹ Foreign distribution of source material.
42 U.S.C.
sec. 2094.

42 U.S.C. 2094.

“SEC. 65. REPORTING.—The Commission is authorized to issue such rules, regulations, or orders requiring re- Reporting.
42 U.S.C.
sec. 2095.

⁶¹ Public Law 95-242 (92 Stat. 125) (1978), sec. 301(b), amended sec. 64 by adding the last sentence.

ports of ownership, possession, extraction, refining, shipment, or other handling of source material as it may deem necessary, except that such reports shall not be required with respect to (a) any source material prior to removal from its place of deposit in nature, or (b) quantities of source material which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

"SEC. 66. ACQUISITION.—The Commission is authorized and directed, to the extent it deems necessary to effectuate the provisions of this Act—

"a. to purchase, take, requisition, condemn, or otherwise acquire supplies of source material;

"b. to purchase, condemn, or otherwise acquire any interest in real property containing deposits of source material; and

"c. to purchase, condemn, or otherwise acquire rights to enter upon any real property deemed by the Commission to have possibilities of containing deposits of source material in order to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this section may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advanced payments may be made under contracts for such purposes. The Commission may establish guaranteed prices for all source material delivered to it within a specified time. Just compensation shall be made for any right, property, or interest in property taken, requisitioned, condemned, or otherwise acquired under this section.

"SEC. 67. OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining of, or removal of deposits of source material in lands belonging to the United States: *Provided, however,* That notwithstanding any other provisions of law, such leases or permits may be issued for lands administered for national park, monument, and wildlife purposes only when the President by Executive Order declares that the requirements of the common defense and security make such action necessary.

"SEC. 68. PUBLIC AND ACQUIRED LANDS.—⁶²

"a. No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic energy program, may benefit

Acquisition.
42 U.S.C.
sec. 2096.

41 U.S.C.
252(c).
(See 41 U.S.C.
260(b).)

Operations on
lands belonging
to the United
States.
42 U.S.C.
sec. 2097.

Public and
acquired lands.
42 U.S.C.
sec. 2098.

⁶² Public Law 85-681 (72 Stat. 632) (1958), sec. 3, amended the title to sec. 68. Before amendment it read "PUBLIC LANDS."

by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit.

"b. Any reservation of radioactive mineral substances, fissionable materials, or source material, together with the right to enter upon the land and prospect for, mine, and remove the same, inserted pursuant to Executive Order 9613 of September 13, 1945, Executive Order 9701 of March 4, 1946, the Atomic Energy Act of 1946, or Executive Order 9908 of December 5, 1947, in any patent, conveyance, lease, permit, or other authorization or instrument disposing of any interest in public or acquired lands of the United States, is hereby released, remised, and quitclaimed to the person or persons entitled upon the date of this Act under the grant from the United States or successive grants to the ownership, occupancy, or use of the land under applicable Federal or State laws: *Provided, however,* That in cases where any such reservation on acquired lands of the United States has been heretofore released, remised, or quitclaimed subsequent to August 12, 1954, in reliance upon authority deemed to have been contained in the Atomic Energy Act of 1946, as amended, or the Atomic Energy Act of 1954, as heretofore amended, the same shall be valid and effective in all respects to the same extent as if public lands and not acquired lands had been involved. The foregoing release shall be subject to any rights which may have been granted by the United States pursuant to any such reservation, but the releases shall be subrogated to the rights of the United States.⁶³

Release of
reservation.

"c. Notwithstanding the provisions of the Atomic Energy Act of 1946, as amended, and particularly section 5 (b) (7) thereof,⁶⁴ or the provisions of the Act of August

60 Stat. 775.

⁶³ Public Law 85-681 (72 Stat. 632) (1958), sec. 3, amended sec. 68 by substituting a new subsec. b. Before amendment subsec. b. read as follows:

"b. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the Government agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation. If any rights have been granted by the United States pursuant to any such reservation then such patent shall be made subject to those rights, but the patentee shall be subrogated to the rights of the United States."

⁶⁴ See Atomic Energy Act of 1946, appendix B, *infra*, sec. 5 (b) (7).

J.S.C.
501-505, 503.

12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for or based upon a discovery of a mineral deposit which is a source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a source material.

Prohibition.
42 U.S.C.
sec. 2099.

"SEC. 69. PROHIBITION.—The Commission shall not license any person to transfer or deliver, receive possession of or title to, or import into or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such purpose would be inimical to the common defense and security or the health and safety of the public.

"CHAPTER 8. BYPRODUCT MATERIAL

Domestic
distribution.
42 U.S.C.
sec. 2111.

"SEC. 81. DOMESTIC DISTRIBUTION.—No person may transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, own, possess, import, or export any byproduct material, except to the extent authorized by this section, section 82 or section 84.⁶⁵ The Commission is authorized to issue general or specific licenses to applicants seeking to use byproduct material for research or development purposes, for medical therapy, industrial uses, agricultural uses, or such other useful applications as may be developed. The Commission may distribute, sell, loan, or lease such byproduct material as it owns to qualified applicants⁶⁶ with or without charge: *Provided, however,* That, for byproduct material to be distributed by the Commission for a charge, the Commission shall establish prices on such equitable basis as, in the opinion of the Commission, (a) will provide reasonable compensation to the Government for such material, (b) will not discourage the use of such material or the development of sources of supply of such material independent of the Commission, and (c) will encourage research and development. In distributing such material, the Commission shall give preference to

⁶⁵ Public Law 95-604 (92 Stat. 3039) (1978), sec. 205(b), amended the first sentence of sec. 81. Before amendment it read as follows: "No person may transfer or receive in interstate commerce, manufacture, produce transfer, acquire, own, possess, import, or export any byproduct material, except to the extent authorized by this section or by section 82."

⁶⁶ Sec. 4 of Public Law 93-377 (88 Stat. 475) (1974) changed the word "licensees" to "qualified applicants" and deleted the following sentence, which was previously the fifth sentence of sec. 81:

"Licensees of the Commission may distribute byproduct material only to applicants therefor who are licensed by the Commission to receive such byproduct material."

applicants proposing to use such material either in the conduct of research and development or in medical therapy. The Commission shall not permit the distribution of any byproduct material to any licensee, and shall recall or order the recall of any distributed material from any licensee, who is not equipped to observe or who fails to observe such safety standards to protect health as may be established by the Commission or who uses such material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor or approved by the Commission. The Commission is authorized to establish classes of byproduct material and to exempt certain classes or quantities of material or kinds of uses or users from the requirements for a license set forth in this section when it makes a finding that the exemption of such classes or quantities of such material or such kinds of uses or users will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

"SEC. 82. FOREIGN DISTRIBUTION OF BYPRODUCT MATERIAL.—

Foreign distribution of byproduct material.
42 U.S.C. sec. 2112.

"a. The Commission is authorized to cooperate with any nation by distributing byproduct material, and to distribute byproduct material, pursuant to the terms of an agreement for cooperation to which such nation is party and which is made in accordance with section 123.

"b. The Commission is also authorized to distribute byproduct material to any person outside the United States upon application therefor by such person and demand such charge for such material as would be charged for the material if it were distributed within the United States: *Provided, however,* That the Commission shall not distribute any such material to any person under this section if, in its opinion, such distribution would be inimical to the common defense and security: *And provided further,* That the Commission may require such reports regarding the use of material distributed pursuant to the provisions of this section as it deems necessary.

"c. The Commission is authorized to license others to distribute byproduct material to any person outside the United States under the same conditions, except as to charges, as would be applicable if the material were distributed by the Commission.

"SEC. 83. OWNERSHIP AND CUSTODY OF CERTAIN BYPRODUCT MATERIAL AND DISPOSABLE SITES.—

42 U.S.C. 2113.

"a. Any license issued or renewed after the effective date of this section under section 62 or section 81 for any activity which results in the production of any byproduct material, as defined in section 11e.(2), shall contain terms and conditions as the Commission determines to be necessary to assure that, prior to termination of such license—

42 U.S.C. 2002,
2111.
42 U.S.C. 2014.

“(1) the licensee will comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission for sites (A) at which ores were processed primarily for their source material content and (B) at which such byproduct material is deposited, and

42 U.S.C. 2014.

“(2) ownership of any byproduct material, as defined in section 11 e. (2), which resulted from such licensed activity shall be transferred to (A) the United States or (B) in the State in which such activity occurred if such State exercises the option under subsection b. (1) to acquire land used for the disposal of byproduct material.

Any license in effect on the date of the enactment of this section shall either contain such terms and conditions on renewal thereof after the effective date of this section, or comply with paragraphs (1) and (2) upon the termination of such license, whichever first occurs.

Rule, regulation
or order.

“(b) (1) (A) The Commission shall require by rule, regulation, or order that prior to the termination of any license which is issued after the effective date of this section, title to the land, including any interests therein (other than land owned by the United States or by a State) which is used for the disposal of any byproduct material, as defined by section 11 e. (2), pursuant to such license shall be transferred to—

“(A) the United States, or

“(B) the State in which such land is located, at the option of such State.

“(2) Unless the Commission determines prior to such termination that transfer of title to such land and such byproduct material is not necessary or desirable to protect the public health, safety, or welfare or to minimize or eliminate danger to life or property. Such determination shall be made in accordance with section 181 of this Act. Notwithstanding any other provision of law or any such determination, such property and materials shall be maintained pursuant to a license issued by the Commission pursuant to section 84(b) in such manner as will protect the public health, safety, and the environment.

“(B) If the Commission determines by order that use of the surface or subsurface estates, or both, of the land transferred to the United States or to a State under subparagraph (A) would not endanger the public health, safety, welfare, or environment, the Commission, pursuant to such regulations as it may prescribe, shall permit the use of the surface or subsurface estates, or both, of such land in a manner consistent with the provisions of this section. If the Commission permits such use of such land, it shall provide the person who transferred such land with the right of first refusal with respect to such use of such land.

“(2) If transfer to the United States of title to such byproduct material and such land is required under this section, the Secretary of Energy or any Federal agency designated by the President shall, following the Commission’s determination of compliance under subsection c., assume title and custody of such byproduct material and land transferred as provided in this subsection. Such Secretary or Federal agency shall maintain such material and land in such manner as will protect the public health and safety and the environment. Such custody may be transferred to another officer or instrumentality of the United States only upon approval of the President.

“(3) If transfer to a State of title to such byproduct material is required in accordance with this subsection, such State shall, following the Commission’s determination of compliance under subsection d., assume title and custody of such byproduct material and land transferred as provided in this subsection. Such State shall maintain such material and land in such manner as will protect the public health, safety, and the environment.

“(4) In the case of any such license under section 62, which was in effect on the effective date of this section, the Commission may require, before the termination of such license, such transfer of land and interests therein (as described in paragraph (1) of this subsection) to the United States or a State in which land is located, at the option of such State, as may be necessary to protect the public health, welfare, and the environment from any effects associated with such byproduct material. In exercising the authority of this paragraph, the Commission shall take into consideration the status of the ownership of such land and interests therein and the ability of the licensee to transfer title and custody thereof to the United States or a State. 42 U.S.C. 2092.

“(5) The Commission may, pursuant to a license, or by rule or order, require the Secretary or other Federal agency or State having custody of such property and materials to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety and such other actions as the Commission deems necessary to comply with the standards promulgated pursuant to section 84 of this Act. The Secretary or such other Federal agency is authorized to carry out maintenance, monitoring, and emergency measures, but shall take no other action pursuant to such license, rule or order, with respect to such property and materials unless expressly authorized by Congress after the date of enactment of this Act.

Post, p. 3039.

“(6) The transfer of title to land or byproduct materials, as defined in section 11 e. (2), to a State or the United States pursuant to this subsection shall not relieve any licensee of liability for any fraudulent or negligent acts done prior to such transfer.

42 U.S.C. 2014.

“(7) Material and land transferred to the United States or a State in accordance with this subsection shall be transferred without cost to the United States or a State (other than administrative and legal costs incurred in carrying out such transfer). Subject to the provisions of paragraph (1) (B) of this subsection, the United States or a State shall not transfer title to material or property acquired under this subsection to any person, unless such transfer is in the same manner as provided under section 104(h) of the Uranium Mill Tailings Radiation Control Act of 1978.

“(8) The provisions of this subsection respecting transfer of title and custody to land shall not apply in the case of lands held in trust by the United States for any Indian tribe or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States. In the case of such lands which are used for the disposal of byproduct material, as defined in section 11 e. (2), the licensee shall be required to enter into such arrangements with the Commission as may be appropriate to assure the long-term maintenance and monitoring of such lands by the United States.

“c. Upon termination on any license to which this section applies, the Commission shall determine whether or not the licensee has complied with all applicable standards and requirements under such license.⁶⁷

42 U.S.C. 2114.

“SEC. 84. AUTHORITIES OF COMMISSION RESPECTING CERTAIN BYPRODUCT MATERIAL.—

42 U.S.C. 2014.

“a. The Commission shall insure that the management of any byproduct material, as defined in section 11 e. (2), is carried out in such manner as—

“(1) the Commission deems appropriate to protect the public health and safety and the environment from radiological and nonradiological hazards associated with the processing and with the possession and transfer of such material,

“(2) conforms with applicable general standards promulgated by the Administrator of the Environmental Protection Agency under section 275, and

“(3) conforms to general requirements established by the Commission, with the concurrence of the Administrator, which are, to the maximum extent practicable, at least comparable to requirements applicable to the possession, transfer, and disposal of similar hazardous material regulated by the Administrator under the Solid Waste Disposal Act, as amended.

“b. In carrying out its authority under this section, the Commission is authorized to—

42 U.S.C. 6901.
note.
Rule,
regulation
or order.

⁶⁷ Public Law 95-604 (92 Stat. 3033) (1978), sec. 202(a), added sec. 83.

"(1) by rule, regulation, or order require persons, officers, or instrumentalities exempted from licensing under section 81 of this Act to conduct monitoring, perform remedial work, and to comply with such other measures as it may deem necessary or desirable to protect health or to minimize danger to life or property, and in connection with the disposal or storage of such byproduct material; and

42 U.S.C. 2111.

"(2) make such studies and inspections and to conduct such monitoring as may be necessary.

Any violation by any person other than the United States or any officer or employee of the United States or a State of any rule, regulation, or order or licensing provision, of the Commission established under this section or section 83 shall be subject to a civil penalty in the same manner and in the same amount as violations subject to a civil penalty under section 234. Nothing in this section affects any authority of the Commission under any other provisions of this Act.⁶⁸

Civil penalty.

Ante, p. 3033.

42 U.S.C. 2282.

"CHAPTER 9. MILITARY APPLICATION OF ATOMIC ENERGY

"SEC. 91. AUTHORITY.—

"a. The Commission is authorized to—

Authority.
42 U.S.C.
sec. 2121.

"(1) conduct experiments and do research and development work in the military application of atomic energy; and

"(2) engage in the production of atomic weapons, or atomic weapon parts, except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year.

"b. The President from time to time may direct the Commission (1) to deliver such quantities of special nuclear material or atomic weapons to the Department of Defense for such use as he deems necessary in the interest of national defense, or (2) to authorize the Department of Defense to manufacture, produce, or acquire any atomic weapon or utilization facility for military purposes: *Provided, however*, That such authorization shall not extend to the production of special nuclear material other than that incidental to the operation of such utilization facilities.

"c. The President may authorize the Commission or the Department of Defense, with the assistance of the other, to cooperate with another nation and, notwithstanding the provisions of section 57, 62, or 81, to transfer by sale, lease, or loan to that nation, in accordance

⁶⁸ Public Law 95-604 (92 Stat. 3039) (1978), sec. 205(a), added sec. 84.

with terms and conditions of a program approved by the President—

“(1) nonnuclear parts of atomic weapons provided that such nation has made substantial progress in the development of atomic weapons, and other nonnuclear parts of atomic weapons systems involving Restricted Data provided that such transfer will not contribute significantly to that nation’s atomic weapon design, development, or fabrication capability; for the purpose of improving that nation’s state of training and operational readiness;

“(2) utilization facilities for military applications; and

“(3) source, byproduct, or special nuclear material for research on, development of, production of, or use in utilization facilities for military applications; and

“(4) source, byproduct, or special nuclear material for research on, development of, or use in atomic weapons: *Provided, however,* That the transfer of such material to that nation is necessary to improve its atomic weapon design, development, or fabrication capability: *And provided further,* That such nation has made substantial progress in the development of atomic weapons,

whenever the President determines that the proposed cooperation and each proposed transfer arrangement for the nonnuclear parts of atomic weapons and atomic weapons systems, utilization facilities or source, byproduct, or special nuclear material will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123: *And provided further,* That if an agreement for cooperation arranged pursuant to this subsection provides for transfer of utilization facilities for military applications the Commission, or the Department of Defense with respect to cooperation it has been authorized to undertake, may authorize any person to transfer such utilization facilities for military applications in accordance with the terms and conditions of this subsection and of the agreement for cooperation.⁶⁹

“SEC. 92. PROHIBITION.—It shall be unlawful, except as provided in section 91, for any person to transfer or receive in interstate or foreign commerce, manufacture, produce, transfer, acquire, possess, import, or export any

Prohibition.
42 U.S.C.
sec. 2122.

⁶⁹ Public Law 85-479 (72 Stat. 276) (1958), sec. 1, added subsec. c to sec. 91.

atomic weapon. Nothing in this section shall be deemed to modify the provisions of subsection 31 a. or section 101.⁷⁰

"CHAPTER 10. ATOMIC ENERGY LICENSES

"SEC. 101. LICENSE REQUIRED.—It shall be unlawful, except as provided in section 91, for any person within the United States to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use,⁷¹ import, or export and utilization or production facility except under and in accordance with a license issued by the Commission pursuant to section 103 or 104.

License
required.
42 U.S.C.
sec. 2131.

"SEC. 102. UTILIZATION AND PRODUCTION FACILITIES FOR INDUSTRIAL OR COMMERCIAL PURPOSES.—

42 U.S.C.
sec. 2132.

"a. Except as provided in subsections b. and c., or otherwise specifically authorized by law, any license hereafter issued for a utilization or production facility for industrial or commercial purposes shall be issued pursuant to section 103.

"b. Any license hereafter issued for a utilization or production facility for industrial or commercial purposes, the construction or operation of which was licensed pursuant to subsection 104 b. prior to enactment into law of this subsection, shall be issued under subsection 104 b.

"c. Any license for a utilization or production facility for industrial or commercial purposes constructed or operated under an arrangement with the Commission entered into under the Cooperative Power Reactor Demonstration Program shall, except as otherwise specifically required by applicable law, be issued under subsection 104 b.⁷²

"SEC. 103. COMMERCIAL LICENSES.—

"a. The Commission is authorized to issue licenses to persons applying therefore to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use,⁷³ import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, utilization or production facilities for industrial or

Commercial
licenses.
42 U.S.C.
sec. 2133.

⁷⁰ Public Law 85-479 (72 Stat. 276) (1958), sec. 2, amended sec. 92 by substituting a complete new sec. 92. Before amendment sec. 92 read as follows:

"SEC. 92. PROHIBITION.—It shall be unlawful for any person to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export any atomic weapon, except as may be authorized by the Commission pursuant to the provisions of section 91. Nothing in this section shall be deemed to modify the provisions of subsection 31 a. or section 101."

⁷¹ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 11, added the word "use."

⁷² Public Law 91-560 (84 Stat. 1472) (1970), sec. 3, amended sec. 102, prior to amendment it read as follows:

"SEC. 102. FINDING OF PRACTICAL VALUE.—Whenever the Commission has made a finding in writing that any type of utilization or production facility has been sufficiently developed to be of practical value for industrial or commercial purposes, the Commission may thereafter issue licenses for such type of facility pursuant to section 103."

⁷³ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 12, added the word "use".

commercial purposes.⁷⁴ Such licenses shall be issued in accordance with the provisions of chapter 16 and subject to such conditions as the Commission may by rule or regulation establish to effectuate the purposes and provisions of this Act.

"b. The Commission shall issue such licenses on a non-exclusive basis to persons applying therefor (1) whose proposed activities will serve a useful purpose proportionate to the quantities of special nuclear material or source material to be utilized; (2) who are equipped to observe and who agree to observe such safety standards to protect health and to minimize danger to life or property as the Commission may by rule establish; and (3) who agree to make available to the Commission such technical information and data concerning activities under such licenses as the Commission may determine necessary to promote the common defense and security and to protect the health and safety of the public. All such information may be used by the Commission only for the purposes of the common defense and security and to protect the health and safety of the public.

"c. Each such license shall be issued for a specified period, as determined by the Commission, depending on the type of activity to be licensed, but not exceeding forty years, and may be renewed upon the expiration of such period.

"d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 123, or except under the provisions of section 109. No license may be issued to an alien or any⁷⁵ corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

"SEC. 104. MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—

"a. The Commission is authorized to issue licenses to persons applying therefor for utilization facilities for

Medical
therapy and
research and
development.
42 U.S.C.
sec. 2134.

⁷⁴ Public Law 91-560 (84 Stat. 1472) (1970), sec. 4, amended the first sentence of sec. 103 a. Before amendment it read as follows:

"Subsequent to a finding by the Commission as required in section 102, the Commission may issue licenses to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, such type of utilization or production facility."

⁷⁵ Public Law 84-1006 (70 Stat. 1039) (1956), sec. 13, added the words "an alien or any" between the words "to" and "any" in the second sentence of subsec. 103 d. Addition of the word "any" was, of course, unnecessary.

use in medical therapy. In issuing such licenses the Commission is directed to permit the widest amount of effective medical therapy possible with the amount of special nuclear material available for such purposes and to impose the minimum amount of regulation consistent with its obligations under this Act to promote the common defense and security and to protect the health and safety of the public.

"b. As provided for in subsection 102b. or 102c., or where specifically authorized by law, the Commission is authorized to issue licenses under this subsection to persons applying therefor for utilization and production facilities for industrial and commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act.⁷⁶

"c. The Commission is authorized to issue licenses to persons applying therefor for utilization and production facilities useful in the conduct of research and development activities of the types specified in section 31 and which are not facilities of the type specified in subsection 104b. The Commission is directed to impose only such minimum amount of regulation of the licensee as the Commission finds will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will permit the conduct of widespread and diverse research and development.

"d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 123 or except under the provisions of section 109. No license may be issued to any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance

⁷⁶ Public Law 91-560 (84 Stat. 1472) (1970), sec. 5, amended subsec. 104 b. Before amendment it read as follows:

"b. The Commission is authorized to issue licenses to persons applying therefor for utilization and production facilities involved in the conduct of research and development activities leading to the demonstration of the practical value of such facilities for industrial or commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will be compatible with the regulations and terms of license which would apply in the event that a commercial license were later to be issued pursuant to section 103 for that type of facility. In issuing such licenses, priority shall be given to those activities which will, in the opinion of the Commission, lead to major advances in the application of atomic energy for industrial or commercial purposes."

of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

Antitrust
provisions.
42 U.S.C.
sec. 2135.

"SEC. 105. ANTITRUST PROVISIONS.—

26 Stat. 209.
15 U.S.C. 1-7.

28 Stat. 570.
15 U.S.C. 8-11.
38 Stat. 730.
15 U.S.C.
12-27, 44;
18 U.S.C. 402.
29 U.S.C. 52,
53; 38 Stat.
717, 15 U.S.C.
41-49.

"a. Nothing contained in this Act⁷⁷ shall relieve any person from the operation of the following Acts, as amended, 'An Act to protect trade and commerce against unlawful restraints and monopolies' approved July second, eighteen hundred and ninety; sections seventy-three to seventy-seven, inclusive, of an Act entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes' approved August twenty-seven, eighteen hundred and ninety-four; 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October fifteen, nineteen hundred and fourteen; and 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes' approved September twenty-six, nineteen hundred and fourteen. In the event a licensee is found by a court of competent jurisdiction, either in an original action in that court or in a proceeding to enforce or review the findings or orders of any Government agency having jurisdiction under the laws cited above, to have violated any of the provisions of such laws in the conduct of the licensed activity, the Commission may suspend, revoke, or take such other action as it may deem necessary with respect to any license issued by the Commission under the provisions of this Act.

"b. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization or special nuclear material or atomic energy which appears to violate or to tend toward the violation of any of the foregoing Acts, or to restrict free competition in private enterprise.

"c. (1) The Commission shall promptly transmit to the Attorney General a copy of any license application provided for in paragraph (2) of this subsection, and a copy of any written request provided for in paragraph (3) of this subsection; and the Attorney General shall, within a reasonable time, but in no event to exceed 180 days after receiving a copy of such application or written request, render such advice to the Commission as he determines to be appropriate in regard to the finding to be made by the Commission pursuant to paragraph (5) of this subsection. Such advice shall include an explanatory statement as to the reasons or basis therefor.

"(2) Paragraph (1) of this subsection shall apply to an application for a license to construct or operate a utilization or production facility under section 103: *Pro-*

⁷⁷ Public Law 88-489 (78 Stat. 602) (1964), sec. 14, deleted the phrase "including the provisions which vest title to all special nuclear material in the United States," which appeared after the word "Act".

vided, however, That paragraph (1) shall not apply to an application for a license to operate a utilization or production facility for which a construction permit was issued under section 103 unless the Commission determines such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous review by the Attorney General and the Commission under this subsection in connection with the construction permit for the facility.

"(3) With respect to any Commission permit for the construction of a utilization or production facility issued pursuant to subsection 104 b. prior to the enactment into law of this subsection, any person who intervened or who sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdiction basis for such determination shall have the right, upon a written request to the Commission, to obtain an antitrust review under this section of the application for an operating license. Such written request shall be made within 25 days after the date of initial Commission publication in the Federal Register of notice of the filing of an application for an operating license for the facility or the date of enactment into law of this subsection, whichever is later.

"(4) Upon the request of the Attorney General, the Commission shall furnish or cause to be furnished such information as the Attorney General determines to be appropriate for the advice called for in paragraph (1) of this subsection.

"(5) Promptly upon receipt of the Attorney General's advice, the Commission shall publish the advice in the Federal Register. Where the Attorney General advises that there may be adverse antitrust aspects and recommends that there be a hearing, the Attorney General or his designee may participate as a party in the proceedings thereafter held by the Commission on such licensing matter in connection with the subject matter of his advice. The Commission shall give due consideration to the advice received from the Attorney General and to such evidence as may be provided during the proceedings in connection with such subject matter, and shall make a finding as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105a.

"(6) In the event the commission's finding under paragraph (5) is in the affirmative, the Commission shall also consider, in determining whether the license should be issued or continued, such other factors, including the need for power in the affected area, as the Commission in its judgment deems necessary to protect the public

interest. On the basis of its findings, the Commission shall have the authority to issue or continue a license as applied for, to refuse to issue a license, to rescind a license or amend it, and to issue a license with such conditions as it deems appropriate.

"(7) The Commission, with the approval of the Attorney General, may except from any of the requirements of this subsection such classes or types of licenses as the Commission may determine would not significantly affect the applicant's activities under the antitrust laws as specified in subsection 105a.

"(8) With respect to any application for a construction permit on file at the time of enactment into law of this subsection, which permit would be for issuance under section 103, and with respect to any application for an operating license in connection with which a written request for an antitrust review is made as provided for in paragraph (3), the Commission, after consultation with the Attorney General, may, upon determination that such action is necessary in the public interest to avoid unnecessary delay, establish by rule or order periods for Commission notification and receipt of advice differing from those set forth above and may issue a construction permit or operating license in advance of consideration of and findings with respect to the matters covered in this subsection: *Provided*, That any construction permit or operating license so issued shall contain such conditions as the Commission deems appropriate to assure that any subsequent findings and orders of the Commission with respect to such matters will be given full force and effect.⁷⁸

"SEC. 106. CLASSES OF FACILITIES.—The Commission may—

"a. group the facilities licensed either under section 103 or under section 104 into classes which may include either production or utilization facilities or both, upon the basis of the similarity of operating and technical characteristics of the facilities;

"b. define the various activities to be carried on at each such class of facility; and

⁷⁸ Public Law 91-560 (84 Stat. 1472) (1970), sec. 6, amended subsec. 105c. Before amendment it read as follows:

"c. Whenever the Commission proposes to issue any license to any persons under section 103, it shall notify the Attorney General of the proposed license and the proposed terms and conditions thereof, except such classes or type of licenses, as the Commission, with the approval of the Attorney General, may determine would not significantly affect the licensee's activities under the antitrust laws as specified in subsection 150a. Within a reasonable time, in no event to exceed 90 days after receiving such notification, the Attorney General shall advise the Commission whether, insofar as he can determine, the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws, and such advice shall be published in the Federal Register. Upon the request of the Attorney General, the Commission shall furnish or cause to be furnished such information as the Attorney General determines to be appropriate or necessary to enable him to give the advice called for by this section."

"c. designate the amounts of special nuclear material available for use by each such facility.

"SEC. 107. OPERATORS' LICENSES.—The Commission shall—

Operators' licenses.
42 U.S.C.
sec. 2137.

"a. prescribe uniform conditions for licensing individuals as operators of any of the various classes of production and utilization facilities licensed in this Act;

"b. determine the qualifications of such individuals;

"c. issue licenses to such individuals in such form as the Commission may prescribe; and

"d. suspend such licenses for violations of any provision of this Act or any rule or regulation issued thereunder whenever the Commission deems such action desirable.

"SEC. 108. WAR OR NATIONAL EMERGENCY.—Whenever the Congress declares that a state of war or national emergency exists, the Commission is authorized to suspend any licenses granted under this Act if in its judgment such action is necessary to the common defense and security. The Commission is authorized during such period, if the Commission finds it necessary to the common defense and security, to order the recapture of any special nuclear material⁷⁹ or to order the operation of any facility licensed under section 103 or 104, and is authorized to order the entry into any plant or facility in order to recapture such material, or to operate such facility. Just compensation shall be paid for any damages caused by the recapture of any special nuclear material or by the operation of any such facility.

War or national emergency.
42 U.S.C.
sec. 2138.

"SEC. 109. COMPONENT AND OTHER PARTS OF FACILITIES.—

"a. With respect to those utilization and production facilities which are so determined by the Commission pursuant to subsection 11 v. (2) or 11 cc. (2) the Commission may issue general licenses for domestic activities required to be licensed under section 101, if the Commission determines in writing that such general licensing will not constitute an unreasonable risk to the common defense and security.

Domestic activities licenses, issuance, authorization.
42 U.S.C. 2139.

"b. After consulting with the Secretaries of State, Energy, and Commerce and the Director, the Commission is authorized and directed to determine which component parts as defined in subsection 11 v. (2) or 11 cc. (2) and which other items or substances are especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes. Except as provided in section 126 b. (2), no such component, sub-

Export licenses.

Ante, P. 131.

⁷⁹ Public Law 86-373 (73 Stat. 688) (1959), sec. 2, amended sec. 108 by deleting the phrase "distributed under the provisions of subsection 53 a.," after the words "special nuclear material" in the second sentence.

stance, or item which is so determined by the Commission shall be exported unless the Commission issues a general or specific license for its export after finding, based on a reasonable judgment of the assurances provided and other information available to the Federal Government, including the Commission, that the following criteria or their equivalent are met: (1) IAEA safeguards as required by Article III (2) of the Treaty will be applied with respect to such component, substance, or item; (2) no such component, substance, or item will be used for any nuclear explosive device or for research on or development of any nuclear explosive device; and (3) no such component, substance, or item will be retransferred to the jurisdiction of any other nation or group of nations unless the prior consent of the United States is obtained for such retransfer; and after determining in writing that the issuance of each such general or specific license or category of licenses will not be inimical to the common defense and security: *Provided*, That a specific license shall not be required for an export pursuant to this section if the component, item or substance is covered by a facility license issued pursuant to section 126 of this Act.

"c. The Commission shall not issue an export license under the authority of subsection b. if it is advised by the executive branch, in accordance with the procedures established under subsection 126 a., that the export would be inimical to the common defense and security of the United States.⁸⁰

"SEC. 110. EXCLUSIONS.—Nothing in this chapter shall be deemed—

"a. to require a license for (1) the processing, fabricating, or refining of special nuclear material, or the separation of special nuclear material, or the separation of special nuclear material from other substances, under contract with and for the account of the Commission; or (2) the construction or operation of facilities under contract with and for the account of the Commission; or

Exclusions.
42 U.S.C.
sec. 2140.

⁸⁰ Public Law 95-242 (92 Stat. 141) (1978), sec. 309(a), amended sec. 109 by substituting a complete new sec. 109. Before amendment, sec. 109 read as follows: "SEC. 109. COMPONENT PARTS OF FACILITIES.—With respect to those utilization and production facilities which are so determined by the Commission pursuant to subsection 11 v. (2)** or 11 cc. (2)† the Commission may (a) issue general licenses for activities required to be licensed under section 101, if the Commission determines in writing that such general licensing will not constitute an unreasonable risk to the common defense and security, and (b) issue licenses for the export of such facilities, if the Commission determines in writing that each export will not constitute an unreasonable risk to the common defense and security."

**Amended by Public Law 89-645 (80 Stat. 891) (1966), sec. 1. Prior to amendment, reference was to "11 t. (2)". Earlier, Public Law 87-615 (76 Stat. 409) (1962), sec. 9, had amended the reference. Prior to this amendment the reference was to "11 p. (2)".

† Amended by Public Law 89-645 (80 Stat. 891) (1966), sec. 1. Prior to amendment, reference was to "11 aa (2)". Earlier, Public Law 87-615 (76 Stat. 409) (1962), sec. 9, had amended the reference. Prior to this amendment the reference was to "11 v. (2)".

"b. to require a license for the manufacture, production, or acquisition by the Department of Defense of any utilization facility authorized pursuant to section 91, or for the use of such facility by the Department of Defense or a contractor thereof.

"SEC. 111. DISTRIBUTION BY THE DEPARTMENT OF ENERGY.—

"a. The Nuclear Regulatory Commission is authorized to license the distribution of special nuclear material, source material, and byproduct material by the Department of Energy, pursuant to section 54, 64, and 82 of this Act, respectively, in accordance with the same procedures established by law for the export licensing of such material by any person: *Provided*, That nothing in this section shall require the licensing of the distribution of byproduct material by the Department of Energy under section 82 of this Act.

42 U.S.C. 2141.

Supra.
42 U.S.C. 2112.

"b. The Department of Energy shall not distribute any special nuclear material or source material under section 54 or 64 of this Act other than under an export license issued by the Nuclear Regulatory Commission until (1) the Department has obtained the concurrence of the Department of State and has consulted with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, and the Department of Defense under mutually agreed procedures which shall be established within not more than ninety days after the date of enactment of this provision and (2) the Department finds based on a reasonable judgment of the assurances provided and the information available to the United States Government, that the criteria in section 127 of this Act or their equivalent and any applicable criteria in subsection 128 are met, and that the proposed distribution would not be inimical to the common defense and security.⁸¹

Post, p. 136.

Post, p. 137.

"CHAPTER 11. INTERNATIONAL ACTIVITIES

"SEC. 121. EFFECT OF INTERNATIONAL ARRANGEMENTS.—Any provision of this Act or any action of the Commission to the extent and during the time that it conflicts with the provisions of any international arrangements made after the date of enactment of this Act shall be deemed to be of no force or effect.

Effect of international arrangements.
42 U.S.C. sec. 2151.

"SEC. 122. POLICIES CONTAINED IN INTERNATIONAL ARRANGEMENTS.—In the performance of its functions under this Act, the Commission shall give maximum effect to the policies contained in any international arrangement made after the date of enactment of this Act.

Policies contained in international arrangements.
42 U.S.C. sec. 2152.

"SEC. 123. COOPERATION WITH OTHER NATIONS.—

"No cooperation with any nation, group of nations or

⁸¹ Public Law 95-242 (92 Stat. 125) (1978), sec. 301(c), added sec. 111.

42 U.S.C. 2073,
2074, 2077,
2094, 2112,
2121, 2133,
2134, 2164.
Cooperative
agreements,
submittal to
President.
Contents.

regional defense organization pursuant to section 53, 54 a., 57, 64, 82, 91, 103, 104, or 144 shall be undertaken until—

“a. the proposed agreement for cooperation has been submitted to the President, which proposed agreement shall include the terms, conditions, duration, nature, and scope of the cooperation; and shall include the following requirements:

“(1) a guaranty by the cooperating party that safeguards as set forth in the agreement for cooperation will be maintained with respect to all nuclear materials and equipment transferred pursuant thereto, and with respect to all special nuclear material used in or produced through the use of such nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating party, irrespective of the duration of other provisions in the agreement or whether the agreement is terminated or suspended for any reason;

“(2) in the case of non-nuclear-weapon states, a requirement, as a condition of continued United States nuclear supply under the agreement for cooperation, that IAEA safeguards be maintained with respect to all nuclear materials in all peaceful nuclear activities within the territory of such state, under its jurisdiction, or carried out under its control anywhere;

“(3) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c., a guaranty by the cooperating party that no nuclear materials and equipment or sensitive nuclear technology to be transferred pursuant to such agreement, and no special nuclear material produced through the use of any nuclear materials and equipment or sensitive nuclear technology transferred pursuant to such agreement, will be used for any nuclear explosive device, or for research on or development of any nuclear explosive device, or for any other military purpose;

“(4) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c. and agreements for cooperation with nuclear-weapon states, a stipulation that the United States shall have the right to require the return of any nuclear materials and equipment transferred pursuant thereto and any special nuclear material produced through the use thereof if the cooperating party detonates a nuclear explosive device or terminates or abrogates an agreement providing for IAEA safeguards;

“(5) a guaranty by the cooperating party that any material or any Restricted Data transferred

pursuant to the agreement for cooperation and, except in the case of agreements arranged pursuant to subsection 91 c., 144 b. or 144 c., any production or utilization facility transferred pursuant to the agreement for cooperation or any special nuclear material produced through the use of any such facility or through the use of any material transferred pursuant to the agreement, will not be transferred to unauthorized persons or beyond the jurisdiction or control of the cooperating party without the consent of the United States;

42 U.S.C. 2121,
2164.

“(6) a guaranty by the cooperating party that adequate physical security will be maintained with respect to any nuclear material transferred pursuant to such agreement and with respect to any special nuclear material used in or produced through the use of any material, production facility, or utilization facility transferred pursuant to such agreement;

“(7) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., a guaranty by the cooperating party that no material transferred pursuant to the agreement for cooperation and no material used in or produced through the use of any material, production facility, or utilization facility transferred pursuant to the agreement for cooperation will be reprocessed, enriched or (in the case of plutonium, uranium 233, or uranium enriched to greater than twenty percent in the isotope 235, or other nuclear materials which have been irradiated) otherwise altered in form or content without the prior approval of the United States;

“(8) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., a guaranty by the cooperating party that no plutonium, no uranium 233, and no uranium enriched to greater than twenty percent in the isotope 235, transferred pursuant to the agreement for cooperation, or recovered from any source or special nuclear material so transferred or from any source or special nuclear material used in any production facility or utilization facility transferred pursuant to the agreement for cooperation, will be stored in any facility that has not been approved in advance by the United States; and

“(9) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b. or 144 c., a guaranty by the cooperating party that any special nuclear material, production facility, or utilization facility produced or constructed under the jurisdiction of the cooperating party by or through the use of any sensitive nuclear technology trans-

ferred pursuant to such agreement for cooperation will be subject to all the requirements specified in this subsection.

Agreement requirements
Presidential exemptions.

Proposed cooperation agreements,
submittal to President.
Nuclear Proliferation Assessment
Statement, submitted to President.
42 U.S.C. 2121, 2164.

The President may exempt a proposed agreement for cooperation (except an agreement arranged pursuant to subsection 91 c., 144 b., or 144 c.) from any of the requirements of the foregoing sentence if he determines that inclusion of any such requirement would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security. Except in the case of those agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., any proposed agreement for cooperation shall be negotiated by the Secretary of State, with the technical assistance and concurrence of the Secretary of Energy and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director'); and after consultation with the Commission shall be submitted to the President jointly by the Secretary of State and the Secretary of Energy accompanied by the views and recommendations of the Secretary of State, the Secretary of Energy, the Nuclear Regulatory Commission, and the Director, who shall also provide to the President an unclassified Nuclear Proliferation Assessment Statement regarding the adequacy of the safeguards and other control mechanisms and the peaceful use assurances contained in the agreement for cooperation to ensure that any assistance furnished thereunder will not be used to further any military or nuclear explosive purpose. In the case of those agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., any proposed agreement for cooperation shall be submitted to the President by the Secretary of Energy or, in the case of those agreements for cooperation arranged pursuant to subsection 91 c. or 144 b. which are to be implemented by the Department of Defense, by the Secretary of Defense;

"b. the President has approved and authorized the execution of the proposed agreement for cooperation and has made a determination in writing that the performance of the proposed agreement will promote, and will not constitute an unreasonable risk to, the common defense and security;

"c. the proposed agreement for cooperation (if not an agreement subject to subsection d.), together with the approval and determination of the President, has been submitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate for a period of thirty days of continuous session (as defined in subsection 130 g.): *Provided, however,* That these committees, after having received such agreement for cooperation, may by

Submittal to congressional committees.

resolution in writing waive the conditions of all or any portion of such thirty-day period; and

"d. the proposed agreement for cooperation (if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of section 53, 54 a., 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith) has been submitted to the Congress, together with the approval and determination of the President, for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, but such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that the Congress does not favor the proposed agreement for cooperation: *Provided*, That the sixty-day period shall not begin until a Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency, when required by subsection 123 a., has been submitted to the Congress. Any such proposed agreement for cooperation shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.

42 U.S.C. 2073,
2074, 2133,
2134.

Ante, p. 142.

Ante, p. 139.

"Following submission of a proposed agreement for cooperation (except an agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c.) to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, the Nuclear Regulatory Commission, the Department of State, the Department of Energy, the Arms Control and Disarmament Agency, and the Department of Defense shall, upon the request of either of those committees, promptly furnish to those committees their views as to whether the safeguards and other controls contained therein provide an adequate framework to ensure that any export as contemplated by such agreement will not be inimical to or constitute an unreasonable risk to the common defense and security.

Agency views
to congressional
committees.
42 U.S.C. 2121,
2164.

"If, after the date of enactment of the Nuclear Non-Proliferation Act of 1978, the Congress fails to disapprove a proposed agreement for cooperation which exempts the recipient nation from the requirement set forth in subsection 123 a. (2), such failure to act shall constitute a failure to adopt a resolution of disapproval

Ante, p. 137.
Ante, p. 131.

pursuant to subsection 128 b. (3) for purposes of the Commission's consideration of applications and requests under section 126 a. (2) and there shall be no congressional review pursuant to section 128 of any subsequent license or authorization with respect to that state until the first such license or authorization which is issued after twelve months from the elapse of the sixty-day period in which the agreement for cooperation in question is reviewed by the Congress.⁸²

⁸² Public Law 95-242 (92 Stat. 142) (1978), sec. 401, amended sec. 123 by substituting a complete new sec. 123. Before amendment, sec. 123 read as follows: "SEC. 123. COOPERATION WITH OTHER NATIONS.—No cooperation with any nation or regional defense organization pursuant to sections 53,†† 54a,§ 57, 64, 82, 91,§§ 103, 104, or 144 shall be undertaken until—"

"a. the Commission or, in the case of those agreements for cooperation arranged pursuant to subsection 91 c. or 144 b. which are to be implemented by the Department of Defense, the Department of Defense has submitted to the President the proposed agreement for cooperation, together with its recommendations thereon, which proposed agreement shall include (1) the terms, conditions, duration, nature, and scope of the cooperation; (2) a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained; (3) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c. a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons or for any other military purpose; and (4) a guaranty by the cooperating party that any material or any Restricted Data to be transferred pursuant to the agreement for cooperation will not be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the agreement for cooperation;

"b. the President has approved and authorized the execution of the proposed agreement for cooperation, and has made a determination in writing that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security;

"c. the proposed agreement for cooperation, together with the approval and the determination of the President, has been submitted to the Joint Committee and a period of thirty days has elapsed while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days): *Provided, however*, That the Joint Committee, after having received such agreement for cooperation, may by resolution in writing waive the conditions of all or any portion of such thirty-day period; and : †

"d. The proposed agreement for cooperation together with the approval and determination of the President, if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of sections 53, 54a, 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith, has been submitted to the Congress and referred to the Joint Committee and a period of sixty days has elapsed while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days), but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided*, That prior to the elapse of the first thirty days of any such sixty-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed agreement and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation. Any such concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) within twenty-five days and shall be voted on within five calendar days thereafter, unless such House shall otherwise determine." ††

†† Public Law 88-489 (78 Stat. 602) (1964), sec. 15, added "53".

§ Sec. 5 of Public Law 93-377 (88 Stat. 475) (1974) changed the term "54" to "54a".

§§ Public Law 85-479 (72 Stat. 276) (1958), sec. 3 amended sec. 123 by inserting "91," and substituting a new subsec. a. Before amendment subsec. a. read as follows:

(Continued)

"SEC. 124. INTERNATIONAL ATOMIC POOL.—The President is authorized to enter into an international arrangement with a group of nations providing for international cooperation in the nonmilitary applications of atomic energy and he may thereafter cooperate with that group of nations pursuant to sections 54a,⁸³ 57, 64, 82, 103, 104, or 144 a.: *Provided, however,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123.

International
atomic pool.
42 U.S.C.
sec. 2154.

"SEC. 125. COOPERATION WITH BERLIN.—The President may authorize the Commission to enter into agreements for cooperation with the Federal Republic of Germany in accordance with section 123, on behalf of Berlin, which for the purposes of this Act comprises those areas over which the Berlin Senate exercises jurisdiction (the United States, British, and French sectors) and the Commission may thereafter cooperate with Berlin pursuant to sections 54a,⁸³ 57, 64, 82, 103, or 104: *Provided,* That the guaranties required by section 123 shall be made by Berlin with the approval of the allied commandants.⁸⁴

Cooperation
with Berlin
42 U.S.C.
sec. 2153
(Nt.).

"SEC. 126. EXPORT LICENSING PROCEDURES.—

"a. No license may be issued by the Nuclear Regulatory Commission (the 'Commission') for the export of any production or utilization facility, or any source material or special nuclear material, including distributions of any

42 U.S.C. 2155.
Exemption.

(Continued)

"a. the Commission or, in the case of those agreements for cooperation arranged pursuant to subsection 144 b., the Department of Defense has submitted to the President the proposed agreement for cooperation, together with its recommendation thereon, which proposed agreement shall include (1) the terms, conditions, duration, nature, and scope of the cooperation: (2) a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained: (3) a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose; and (4) a guaranty by the cooperating party that any material or any Restricted Data to be transferred pursuant to the agreement for cooperation will not be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the agreement for cooperation."

⁸³ Public Law 85-681 (72 Stat. 632) (1958), sec. 4, added the proviso to subsec. 123 c. The semicolon erroneously inserted after the word "and" at the end of the subsection was added by Public Law 85-479. See footnote 84.

⁸⁴ Subsec. 123d was amended by Public Law 93-485 (88 Stat. 1460) (1974). Prior to amendment, subsec. 123d read as follows:

"d. the proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to subsection 91 c., 144 b., or 144 c., has been submitted to the Congress and referred to the Joint Committee and a period of sixty days has elapsed while Congress is in session, but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided, however,* That during the Eighty-fifth Congress such period shall be thirty days (in computing such sixty days, or thirty days, as the case may be, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days)".

Public Law 85-479 (72 Stat. 276) (1958), sec. 4 added new subsec. 123d.

⁸⁵ Sec. 5 of Public Law 93-377 (88 Stat. 475) (1974) amended secs. 124 and 125 by substituting the terms "54a" for the term "54".

⁸⁶ Public Law 85-14 (71 Stat. 11) (1957), added sec. 125.

material by the Department of Energy under section 54, 64, or 82, for which a license is required or requested, and no exemption from any requirement for such an export license may be granted by the Commission, as the case may be, until—

“(1) the Commission has been notified by the Secretary of State that it is the judgment of the executive branch that the proposed export or exemption will not be inimical to the common defense and security, or that any export in the category to which the proposed export belongs would not be inimical to the common defense and security because it lacks significance for nuclear explosive purposes. The Secretary of State shall, within ninety days after the enactment of this section, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of Energy, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the preparation of the executive branch judgment on export applications under this section. Such procedures shall include, at a minimum, explicit direction on the handling of such applications, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an inter-agency coordinating authority to monitor the processing of such applications, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending applications, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial applications should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of any required assurances or evidentiary showing, for the decisions required under this section. The processing of any export application proposed and filed as of the date of enactment of this section shall not be delayed pending the development and establishment of procedures to implement the requirements of this section. The executive branch judgment shall be completed in not more than sixty days from receipt of the

Ante, p. 125.
Supra.
42 U.S.C. 2112
Executive
branch
judgment,
notice to
Commission.

Procedures.

Contents.

Standards and
criteria.

application or request, unless the Secretary of State in his discretion specifically authorizes additional time for consideration of the application or request because it is in the national interest to allow such additional time. The Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of any such authorization. In submitting any such judgment, the Secretary of State shall specifically address the extent to which the export criteria then in effect are met and the extent to which the cooperating party has adhered to the provisions of the applicable agreement for cooperation. In the event he considers it warranted, the Secretary may also address the following additional factors, among others:

Notice to congressional committees.

“(A) whether issuing the license or granting the exemption will materially advance the non-proliferation policy of the United States by encouraging the recipient nation to adhere to the Treaty, or to participate in the undertakings contemplated by section 403 or 404(a) of the Nuclear Non-Proliferation Act of 1978;

“(B) whether failure to issue the license or grant the exemption would otherwise be seriously prejudicial to the non-proliferation objectives of the United States; and

“(C) whether the recipient nation or group of nations has agreed that conditions substantially identical to the export criteria set forth in section 127 of this Act will be applied by another nuclear supplier nation or group of nations to the proposed United States export, and whether in the Secretary’s judgment those conditions will be implemented in a manner acceptable to the United States.

Post, p. 136.

The Secretary of State shall provide appropriate data and recommendations, subject to requests for additional data and recommendations, as required by the Commission or the Secretary of Energy, as the case may be; and

Data and recommendations.

“(2) the Commission finds, based on a reasonable judgment of the assurances provided and other information available to the Federal Government, including the Commission, that the criteria in section 127 of this Act or their equivalent, and any other applicable statutory requirements, are met: *Provided*, That continued cooperation under an agreement for cooperation as authorized in accordance with section 124 of this Act shall not be prevented by failure to meet the provisions of paragraph (4) or (5) of section 127 for a period of thirty days after enactment of this section, and for a period of twenty-three months thereafter if the Secretary of State notifies

Post, p. 136.

42 U.S.C. 2154.

the Commission that the nation or group of nations bound by the relevant agreement has agreed to negotiations as called for in section 404(a) of the Nuclear Non-Proliferation Act of 1978; however, nothing in this subsection shall be deemed to relinquish any rights which the United States may have under agreements for cooperation in force on the date of enactment of this section: *Provided further*, That if, upon the expiration of such twenty-four month period, the President determines that failure to continue cooperation with any group of nations which has been exempted pursuant to the above proviso from the provisions of paragraph (4) or (5) of section 127 of this Act, but which has not yet agreed to comply with those provisions would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security, he may, after notifying the Congress of his determination, extend by Executive order the duration of the above proviso for a period of twelve months, and may further extend the duration of such proviso by one year increments annually thereafter if he again makes such determination and so notifies the Congress. In the event that the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate reports a joint resolution to take any action with respect to any such extension, such joint resolution will be considered in the House or Senate, as the case may be, under procedures identical to those provided for the consideration of resolutions pursuant to section 120 of this Act: *And additionally provided*, That the Commission is authorized to (A) make a single finding under this subsection for more than a single application or request, where the applications or requests involve exports to the same country, in the same general time frame, of similar significance for nuclear explosive purposes and under reasonably similar circumstances and (B) make a finding under this subsection that there is no material changed circumstance associated with a new application or request from those existing at the time of the last application or request for an export to the same country, where the prior application or request was approved by the Commission using all applicable procedures of this section, and such finding of no material changed circumstance shall be deemed to satisfy the requirement of this paragraph for findings of the Commission. The decision not to make any such finding in lieu of the findings which would otherwise be required to be made under this paragraph shall not be subject to judicial review: *And provided further*, That nothing contained in this section is intended to require the Commission independently to conduct or prohibit the Commission from independently conducting country or site specific visitations in the Com-

Extension,
notice to
Congress.

Post, p. 139.
Findings.

Judicial
review,
exception.

mission's consideration of the application of IAEA safeguards.

"b. (1) Timely consideration shall be given by the Commission to requests for export license and exemptions and such requests shall be granted upon a determination that all applicable statutory requirements have been met.

"(2) If, after receiving the executive branch judgment that the issuance of a proposed export license will not be inimical to the common defense and security, the Commission does not issue the proposed license on a timely basis because it is unable to make the statutory determinations required under this Act, the Commission shall publicly issue its decision to that effect, and shall submit the license application to the President. The Commission's decision shall include an explanation of the basis for the decision and any dissenting or separate views. If, after receiving the proposed license application and reviewing the Commission's decision, the President determines that withholding the proposed export would be seriously prejudicial to the achievement of United States non-proliferation objectives, or would otherwise jeopardize the common defense and security, the proposed export may be authorized by Executive order: *Provided*, That prior to any such export, the President shall submit the Executive order, together with his explanation of why, in light of the Commission's decision, the export should nonetheless be made, to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g.) and shall be referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, but any such proposed export shall not occur if during such sixty-day period the Congress adopt a concurrent resolution stating in substance that it does not favor the proposed export. Any such Executive order shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions: *And provided further*, That the procedures established pursuant to subsection (b) of section 304 of the Nuclear Non-Proliferation Act of 1978 shall provide that the Commission shall immediately initiate review of any application for a license under this section and to the maximum extent feasible shall expeditiously process the application concurrently with the executive branch review while awaiting the final executive branch judgment. In initiating its review the Commission may identify a set of concerns and requests for information associated with the projected issuance of such license and shall transmit such concerns and requests to the executive branch which shall address such concerns and requests in its written communications with the Commission. Such procedures shall also provide that if the Commission has not com-

Presidential review.

Report to Congress and congressional committees.

Post, p. 139.

Review.

Concerns and requests, transmittal to executive branch.

pleted action on the application within sixty days after the receipt of an executive branch judgment that the proposed export or exemption is not inimical to the common defense and security or that any export in the category to which the proposed export belongs would not be inimical to the common defense and security because it lacks significance for nuclear explosive purposes, the Commission shall inform the applicant in writing of the reason for delay and provide follow-up reports as appropriate. If the Commission has not completed action by the end of an additional sixty days (a total of one hundred and twenty days from receipt of the executive branch judgment), the President may authorize the proposed export by Executive order, upon a finding that further delay would be excessive and upon making the findings required for such Presidential authorizations under this subsection, and subject to the Congressional review procedures set forth herein. However, if the Commission has commenced procedures for public participation regarding the proposed export under regulations promulgated pursuant to subsection (b) of section 304 of the Nuclear Non-Proliferation Act of 1978, or—within sixty days after receipt of the executive branch judgment on the proposed export—the Commission has identified and transmitted to the executive branch a set of additional concerns or requests for information, the President may not authorize the proposed export until sixty days after public proceedings are completed or sixty days after a full executive branch response to the Commission's additional concerns or requests has been made consistent with subsection a. (1) of this section: *Provided further*, That nothing in this section shall affect the right of the Commission to obtain data and recommendations from the Secretary of State at any time as provided in subsection a. (1) of this section.

Referral to congressional committees.

“c. In the event that the House of Representatives or the Senate passes a joint resolution which would adopt one or more additional export criteria, or would modify any existing export criteria under this Act, any such joint resolution shall be referred in the other House to the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, as the case may be, and shall be considered by the other House under applicable procedures provided for the consideration of resolutions pursuant to section 130 of this Act.⁸⁵

42 U.S.C. 2156.

“SEC. 127. CRITERIA GOVERNING UNITED STATES NUCLEAR EXPORTS.—

“The United States adopts the following criteria which, in addition to other requirements of law, will govern ex-

⁸⁵ Public Law 95-242 (92 Stat. 131) (1978), sec. 304(a), added sec. 126.

ports for peaceful nuclear uses from the United States of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology:

"(1) IAEA safeguards as required by Article III (2) of the Treaty will be applied with respect to any such material or facilities proposed to be exported, to any such material or facilities previously exported and subject to the applicable agreement for cooperation, and to any special nuclear material used in or produced through the use thereof.

"(2) No such material, facilities, or sensitive nuclear technology proposed to be exported or previously exported and subject to the applicable agreement for cooperation, and no special nuclear material produced through the use of such materials, facilities, or sensitive nuclear technology, will be used for any nuclear explosive device or for research on or development of any nuclear explosive device.

"(3) Adequate physical security measures will be maintained with respect to such material or facilities proposed to be exported and to any special nuclear material used in or produced through the use thereof. Following the effective date of any regulations promulgated by the Commission pursuant to section 304 (d) of the Nuclear Non-Proliferation Act of 1978, physical security measures shall be deemed adequate if such measures provide a level of protection equivalent to that required by the applicable regulations.

"(4) No such materials, facilities, or sensitive nuclear technology proposed to be exported, and no special nuclear material produced through the use of such material, will be retransferred to the jurisdiction of any other nation or group of nations unless the prior approval of the United States is obtained for such retransfer. In addition to other requirements of law, the United States may approve such retransfer only if the nation or group of nations designated to receive such retransfer agrees that it shall be subject to the conditions required by this section.

"(5) No such material proposed to be exported and no special nuclear material produced through the use of such material will be reprocessed, and no irradiated fuel elements containing such material removed from a reactor shall be altered in form or content, unless the prior approval of the United States is obtained for such reprocessing or alteration.

"(6) No such sensitive nuclear technology shall be exported unless the foregoing conditions shall be applied to any nuclear material or equipment which is produced or constructed under the jurisdiction of

the recipient nation or group of nations by or through the use of any such exported sensitive nuclear technology.⁸⁶

42 U.S.C. 2157.

“SEC. 128. ADDITIONAL EXPORT CRITERION AND PROCEDURES.—

“a. (1) As a condition of continued United States export of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology to non-nuclear-weapon states, no such export shall be made unless IAEA safeguards are maintained with respect to all peaceful nuclear activities in, under the jurisdiction of, or carried out under the control of such state at the time of the export.

“(2) The President shall seek to achieve adherence to the foregoing criterion by recipient non-nuclear-weapon states.

Export applications, criterion enforcement.

“b. The criterion set forth in subsection a. shall be applied as an export criterion with respect to any application for the export of materials, facilities, or technology specified in subsection a. which is filed after eighteen months from the date of enactment of this section, or for any such application under which the first export would occur at least twenty-four months after the date of enactment of this section, except as provided in the following paragraphs:

“(1) If the Commission or the Department of Energy, as the case may be, is notified that the President has determined that failure to approve an export to which this subsection applies because such criterion has not yet been met would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security, the license or authorization may be issued subject to other applicable requirements of law: *Provided*, That no such export of any production or utilization facility or of any source or special nuclear material (intended for use as fuel in any production or utilization facility) which has been licensed or authorized pursuant to this subsection shall be made to any non-nuclear-weapon state which has failed to meet such criterion until the first such license or authorization with respect to such state is submitted to the Congress (together with a detailed assessment of the reasons underlying the President’s determination, the judgment of the executive branch required under section 126 of this Act, and any Commission opinion and views) for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and referred to the Committee on International Rela-

Report to congressional committees.

Ante, p. 131.

Post, p. 139.

⁸⁶ Public Law 95-242 (92 Stat. 136) (1978), sec. 305, added sec. 127.

tions of the House of Representatives and the Committee on Foreign Relations of the Senate, but such export shall not occur if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that the Congress does not favor the proposed export. Any such license or authorization shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.

“(2) If the Congress adopts a resolution of disapproval pursuant to paragraph (1), no further export of materials, facilities, or technology specified in subsection a. shall be permitted for the remainder of that Congress, unless such state meets the criterion or the President notifies the Congress that he has determined that significant progress has been made in achieving adherence to such criterion by such state or that United States foreign policy interests dictate reconsideration and the Congress, pursuant to the procedure of paragraph (1), does not adopt a concurrent resolution stating in substance that it disagrees with the President’s determination.

Congressional
disapproval,
resolution.

“(3) If the Congress does not adopt a resolution of disapproval with respect to a license or authorization submitted pursuant to paragraph (1), the criterion set forth in subsection a. shall not be applied as an export criterion with respect to exports of materials, facilities and technology specified in subsection a. to that state: *Provided*, That the first license or authorization with respect to that state which is issued pursuant to this paragraph after twelve months from the elapse of the sixty-day period specified in paragraph (1), and the first such license or authorization which is issued after each twelve-month period thereafter, shall be submitted to the Congress for review pursuant to the procedures specified in paragraph (1): *Provided further*, That if the Congress adopts a resolution of disapproval during any review period provided for by this paragraph, the provisions of paragraph (2) shall apply with respect to further exports to such state.⁸⁷

Export
authorizations,
congressional
review.

“SEC. 129. CONDUCT RESULTING IN TERMINATION OF NUCLEAR EXPORTS.—

“No nuclear materials and equipment or sensitive nuclear technology shall be exported to—

“(1) any non-nuclear-weapon state that is found by the President to have, at any time after the effective date of this section,

“(A) detonated a nuclear explosive device; or

“(B) terminated or abrogated IAEA safeguards; or

Export
terminations,
criterion.
42 U.S.C. 2158.

⁸⁷ Public Law 95-242 (92 Stat. 137) (1978), sec. 306, added sec. 128.

“(C) materially violated an IAEA safeguards agreement; or

“(D) engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President’s judgment, represent sufficient progress toward terminating such activities; or

“(2) any nation or group of nations that is found by the President to have, at any time after the effective date of this section,

“(A) materially violated an agreement for cooperation with the United States, or, with respect to material or equipment not supplied under an agreement for cooperation, materially violated the terms under which such material or equipment was supplied or the terms of any commitments obtained with respect thereto pursuant to section 402(a) of the Nuclear Non-Proliferation Act of 1978; or

“(B) assisted, encouraged, or induced any non-nuclear-weapon state to engage in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President’s judgment, represent sufficient progress toward terminating such assistance, encouragement, or inducement; or

“(C) entered into an agreement after the date of enactment of this section for the transfer of reprocessing equipment, materials, or technology to the sovereign control of a non-nuclear-weapon state except in connection with an intentional fuel cycle evaluation in which the United States is a participant or pursuant to a subsequent international agreement or understanding to which the United States subscribes;

unless the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security: *Provided*, That prior to the effective date of any such determination, the President’s determination, together with a report containing the reasons for his determination, shall be submitted to the Congress and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate for a period of sixty days of continuous session (as defined in subsection 130 g. of this act), but any such determination shall not become effective if during such sixty-day period the Congress adopts a concurrent

Report to
Congress.

Infra.

resolution stating in substance that it does not favor the determination. Any such determination shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.⁸⁸

"SEC. 130. CONGRESSIONAL REVIEW PROCEDURES.—

"a. Not later than forty-five days of continuous session of Congress after the date of transmittal to the Congress of any submission of the President required by subsection 123 d., 126 a. (2), 126 b. (2), 128 b., 129, 131 a. (3), or 131 f. (1) (A) of this Act, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, shall each submit a report to its respective House on its views and recommendations respecting such Presidential submission together with a resolution, as defined in subsection f., stating in substance that the Congress approves or disapproves such submission, as the case may be: *Provided*, That if any such committee has not reported such a resolution at the end of such forty-five day period, such committee shall be deemed to be discharged from further consideration of such submission and if, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c. of this Act, the other relevant committee of that House has reported such a resolution, such committee shall be deemed discharged from further consideration of that resolution. If no such resolution has been reported at the end of such period, the first resolution, as defined in subsection f., which is introduced within five days thereafter within such House shall be placed on the appropriate calendar of such House.

"b. When the relevant committee or committees have reported such a resolution (or have been discharged from further consideration of such a resolution pursuant to subsection a.) or when a resolution has been introduced and placed on the appropriate calendar pursuant to subsection a., as the case may be, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or

42 USC 2159.
Congressional
committee
reports.

Post, p. 142.
Ante, pp. 131,
137, 138, 127.
42 U.S.C. 2121,
2164.

⁸⁸ Public Law 95-242 (92 Stat. 138) (1978), sec. 307, added sec. 129.

disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"c. Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to a motion to postpone, or a motion to recommit the resolution, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order. No amendment to any concurrent resolution pursuant to the procedures of this section is in order except as provided in subsection d.

"d. Immediately following (1) the conclusion of the debate on such concurrent resolution, (2) a single quorum call at the conclusion of debate if requested in accordance with the rules of the appropriate House, and (3) the consideration of an amendment introduced by the Majority Leader or his designee to insert the phrase, 'does not' in lieu of the word 'does' if the resolution under consideration is a concurrent resolution of approval, the vote on final approval of the resolution shall occur.

"e. Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such a resolution shall be decided without debate.

"Resolution."

"f. For the purposes of subsections a. through e. of this section, the term 'resolution' means a concurrent resolution of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress (does or does not) favor the _____ transmitted to the Congress by the President on _____, _____', the blank spaces therein to be appropriately filled, and the affirmative or negative phrase within the parenthetical to be appropriately selected.

Continuous
sessions of
Congress,
computation.

"g. For the purposes of this section—

"(1) continuity of session is broken only by an adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"h. This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only

with respect to the procedure to be followed in that House in the case of resolutions described by subsection f. of this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.”⁸⁹

“SEC. 131. SUBSEQUENT ARRANGEMENTS.—

42 U.S.C. 2160,
Consultation.

“a. (1) Prior to entering into any proposed subsequent arrangement under an agreement for cooperation (other than an agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c. of this Act), the Secretary of Energy shall obtain the concurrence of the Secretary of State and shall consult with the Director, the Commission, and the Secretary of Defense: *Provided*, That the Secretary of State shall have the leading role in any negotiations of a policy nature pertaining to any proposed subsequent arrangement regarding arrangements for the storage or disposition of irradiated fuel elements or approvals for the transfer, for which prior approval is required under an agreement for cooperation, by a recipient of source or special nuclear material, production or utilization facilities, or nuclear technology. Notice of any proposed subsequent arrangement shall be published in the Federal Register, together with the written determination of the Secretary of Energy that such arrangement will not be inimical to the common defense and security, and such proposed subsequent arrangement shall not take effect before fifteen days after publication. Whenever the Director declares that he intends to prepare a Nuclear Proliferation Assessment Statement pursuant to paragraph (2) of this subsection, notice of the proposed subsequent arrangement which is the subject of the Director's declaration shall not be published until after the receipt by the Secretary of Energy of such Statement or the expiration of the time authorized by subsection c. for the preparation of such Statement, whichever occurs first.

42 U.S.C. 2121,
2164.

Notice,
publication in
the Federal
Register.

“(2) If in the Director's view a proposed subsequent arrangement might significantly contribute to proliferation, he may prepare an unclassified Nuclear Proliferation Assessment Statement with regard to such proposed subsequent arrangement regarding the adequacy of the safeguards and other control mechanisms and the application of the peaceful use assurances of the relevant agreement to ensure that assistance to be furnished pursuant to the subsequent arrangement will not be used to further any military or nuclear explosive purpose. For the purposes of this section, the term ‘subsequent

Nuclear
Proliferation
Assessment
Statement.

“Subsequent
arrangements.”

⁸⁹ Public Law 95-242 (92 Stat. 138) (1978), sec. 308, added sec. 130.

arrangements' means arrangements entered into by any agency or department of the United States Government with respect to cooperation with any nation or group of nations (but not purely private or domestic arrangements) involving—

Contracts.

“(A) contracts for the furnishing of nuclear materials and equipment;

“(B) approvals for the transfer, for which prior approval is required under an agreement for co-operation, by a recipient of any source or special nuclear material, production or utilization facility, or nuclear technology;

“(C) authorization for the distribution of nuclear materials and equipment pursuant to this Act which is not subject to the procedures set forth in section 111 b., section 126, or section 109 b.;

“(D) arrangements for physical security;

“(E) arrangements for the storage or disposition of irradiated fuel elements;

“(F) arrangements for the application of safeguards with respect to nuclear materials and equipment; or

“(G) any other arrangement which the President finds to be important from the standpoint of preventing proliferation.

“(3) The United States will give timely consideration to all requests for prior approval, when required by this Act, for the reprocessing of material proposed to be exported, previously exported and subject to the applicable agreement for cooperation, or special nuclear material produced through the use of such material or a production or utilization facility transferred pursuant to such agreement for cooperation, or to the altering of irradiated fuel elements containing such material, and additionally, to the maximum extent feasible, will attempt to expedite such consideration when the terms and conditions for such actions are set forth in such agreement for cooperation or in some other international agreement executed by the United States and subject to congressional review procedures comparable to those set forth in section 123 of this Act.

Post, p. 142.

“(4) All other statutory requirements under other sections of this Act for the approval or conduct of any arrangement subject to this subsection shall continue to apply and any other such requirements for prior approval or conditions for entering such arrangements shall also be satisfied before the arrangement takes effect pursuant to subsection a. (1).

“b. With regard to any special nuclear material exported by the United States or produced through the use of any nuclear materials and equipment or sensitive nuclear technology exported by the United States—

Ante, p. 125.
Post, pp. 131,
141.

“(1) the Secretary of Energy may not enter into any subsequent arrangement for the retransfer of any such material to a third country for reprocessing, for the reprocessing of any such material, or for the subsequent retransfer of any plutonium in quantities greater than 500 grams resulting from the reprocessing of any such material, until he has provided the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate with a report containing his reasons for entering into such arrangement and a period of 15 days of continuous session (as defined in subsection 130 g. of this Act) has elapsed: *Provided, however,* That if in the view of the President an emergency exists due to unforeseen circumstances requiring immediate entry into a subsequent arrangement, such period shall consist of fifteen calendar days;

Report to congressional committees.

Post, p. 139.

“(2) the Secretary of Energy may not enter into any subsequent arrangement for the reprocessing of any such material in a facility which has not processed power reactor fuel assemblies or been the subject of a subsequent arrangement therefor prior to the date of enactment of the Nuclear Non-Proliferation Act of 1978 or for subsequent retransfer to a non-nuclear-weapon state of any plutonium in quantities greater than 500 grams resulting from such reprocessing, unless in his judgment, and that of the Secretary of State, such reprocessing or retransfer will not result in a significant increase of the risk of proliferation beyond that which exists at the time that approval is requested. Among all the factors in making this judgment, foremost consideration will be given to whether or not the reprocessing or retransfer will take place under conditions that will ensure timely warning to the United States of any diversion well in advance of the time at which the non-nuclear-weapon state could transform the diverted material into a nuclear explosive device; and

“(3) the Secretary of Energy shall attempt to ensure, in entering into any subsequent arrangement for the reprocessing of any such material in any facility that has processed power reactor fuel assemblies or been the subject of a subsequent arrangement therefor prior to the date of enactment of the Nuclear Non-Proliferation Act of 1978, or for the subsequent retransfer to any non-nuclear-weapon state of any plutonium in quantities greater than 500 grams resulting from such reprocessing, that such reprocessing or retransfer shall take place under conditions comparable to those which in his view, and that of the Secretary of State, satisfy the standards set forth in paragraph (2).

Nuclear materials, reprocessing or transfer procedures.

Controversial requests, identification. Standards and criteria. Nuclear Proliferation Assessment Statement. Presidential waiver. Notice to congressional committees.

"c. The Secretary of Energy shall, within ninety days after the enactment of this section, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of State, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the consideration of requests for subsequent arrangements under this section. Such procedures shall include, at a minimum, explicit direction on the handling of such requests, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an inter-agency coordinating authority to monitor the processing of such requests, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending requests, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial requests should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of any required assurance or evidentiary showings, for the decisions required under this section. Further, such procedures shall specify that if he intends to prepare a Nuclear Proliferation Assessment Statement, the Director shall so declare in his response to the Department of Energy. If the Director declares that he intends to prepare such a Statement, he shall do so within sixty days of his receipt of a copy of the proposed subsequent arrangement (during which time the Secretary of Energy may not enter into the subsequent arrangement), unless pursuant to the Director's request, the President waives the sixty-day requirement and notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of such waiver and the justification therefor. The processing of any subsequent arrangement proposed and filed as of the date of enactment of this section shall not be delayed pending the development and establishment of procedures to implement the requirements of this section.

"d. Nothing in this section is intended to prohibit, permanently or unconditionally, the reprocessing of spent fuel owned by a foreign nation which fuel has been sup-

plied by the United States, to preclude the United States from full participation in the International Nuclear Fuel Cycle Evaluation provided for in section 105 of the Nuclear Non-Proliferation Act of 1978; to in any way limit the presentation or consideration in that evaluation of any nuclear fuel cycle by the United States or any other participation; nor to prejudice open and objective consideration of the results of the evaluation.

“e. Notwithstanding subsection 402(d) of the Department of Energy Organization Act (Public Law 95-91), the Secretary of Energy, and not the Federal Energy Regulatory Commission, shall have sole jurisdiction within the Department of Energy over any matter arising from any function of the Secretary of Energy in this section.

42 U.S.C. 7172.

“f. (1) With regard to any subsequent arrangement under subsection a. (2) (E) (for the storage or disposition of irradiated fuel elements), where such arrangement involves a direct or indirect commitment of the United States for the storage or other disposition, interim or permanent, of any foreign spent nuclear fuel in the United States, the Secretary of Energy may not enter into any such subsequent arrangement, unless:

Presidential plan, submittal to Congress.

“(A) (i) Such commitment of the United States has been submitted to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and has been referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, but any such commitment shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that it does not favor the commitment, any such commitment to be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submission; or (ii) if the President has submitted a detailed generic plan for such disposition or storage in the United States to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act), which plan has been referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate and has not been disapproved during such sixty-day period by the adoption of a concurrent resolution stating in substance that Congress does not favor the plan; and the commitment is subject to the terms of an effective plan. Any such plan shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions:

Post, p. 139.

“(B) The Secretary of Energy has complied with subsection a.; and

“(C) The Secretary of Energy has complied, or in the arrangement will comply with all other statutory requirements of this Act, under sections 54 and 55 and any other applicable sections, and any other requirements of law.

Ante, p. 125.
Post, p. 131.

Notice to
congressional
committees.

“(2) Subsection (1) shall not apply to the storage or other disposition in the United States of limited quantities of foreign spent nuclear fuel if the President determines that (A) a commitment under section 54 or 55 of this Act of the United States for storage or other disposition of such limited quantities in the United States is required by an emergency situation, (B) it is in the national interest to take such immediate action, and (C) he notifies the Committees on International Relations and Science and Technology of the House of Representatives and the Committees on Foreign Relations and Energy and Natural Resources of the Senate of the determination and action, with a detailed explanation and justification thereof, as soon as possible.

Plan, contents.

“(3) Any plan submitted by the President under subsection f. (1) shall include a detailed discussion, with detailed information, and any supporting documentation thereof, relating to policy objectives, technical description, geographic information, cost data and justifications, legal and regulatory considerations, environmental impact information and any related international agreements, arrangements for understandings.

“Foreign spent
nuclear fuel.”

“(4) For the purposes of this subsection, the term ‘foreign spent nuclear fuel’ shall include any nuclear fuel irradiated in any nuclear power reactor located outside of the United States and operated by any foreign legal entity, government or nongovernment, regardless of the legal ownership or other control of the fuel or the reactor and regardless of the origin or licensing of the fuel or reactor, but not including fuel irradiated in a research reactor.

Ante, p. 125.

“(b) (1) Section 54 of the 1954 Act is amended by adding new subsection e. as follows,

“e. The authority in this section to commit United States funds for any activities pursuant to any subsequent arrangement under section 131 a. (2) (E) shall be subject to the requirements of section 131.

Ante, p. 127.
42 U.S.C. 2075.

“(2) Section 55 of the 1954 Act is amended by adding a proviso at the end of the section as follows, “*Providing*, That the authority in this section to commit United States funds for any activities pursuant to any subsequent arrangement under section 131 a. (2) (E) shall be subject to the requirements of section 131.⁹⁰

⁹⁰ Public Law 95-242 (92 Stat. 127) (1978), sec. 303(a), added sec. 131.

"CHAPTER 12. CONTROL OF INFORMATION

"SEC. 141. POLICY.—It shall be the policy of the Commission to control the dissemination and declassification of Restricted Data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

Policy.
42 U.S.C.
sec. 2161.

"a. Until effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established by an international arrangement, there shall be no exchange of Restricted Data with other nations except as authorized by section 144; and

"b. The dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding and to enlarge the fund of technical information.

"SEC. 142. CLASSIFICATION AND DECLASSIFICATION OF RESTRICTED DATA.—

Classification
and declassification
of restricted data.
42 U.S.C.
sec. 2162.

"a. The Commission shall from time to time determine the data, within the definition of Restricted Data, which can be published without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data.

"b. The Commission shall maintain a continuous review of Restricted Data and of any Classification Guides issued for the guidance of those in the atomic energy program with respect to the areas of Restricted Data which have been declassified in order to determine which information may be declassified and removed from the category of Restricted Data without undue risk to the common defense and security.

"c. In the case of Restricted Data which the Commission and the Department of Defense jointly determine to relate primarily to the military utilization of atomic weapons, the determination that such data may be published without constituting an unreasonable risk to the common defense and security shall be made by the Commission and the Department of Defense jointly, and if the Commission and the Department of Defense do not agree, the determination shall be made by the President.

"d. The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and Department of Defense jointly determine can be adequately safeguarded as

defense information: *Provided, however,* That no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defense organization, while such data remains defense information, except pursuant to an agreement for cooperation entered into in accordance with subsection 144 b.

"e. The Commission shall remove from the Restricted Data category such information concerning the atomic energy programs of other nations as the Commission and the Director of Central Intelligence jointly determine to be necessary to carry out the provisions of section 102(d) of the National Security Act of 1947, as amended, and can be adequately safeguarded as defense information.

"SEC. 143. DEPARTMENT OF DEFENSE PARTICIPATION.—The Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee or prospective licensee of the Commission or any other person authorized access to Restricted Data by the Commission under subsections 145 b. and 145 c.^{91 92} to permit any employee of an agency of the Department of Defense or of its contractors, or any member of the Armed Forces to have access to Restricted Data required in the performance of his duties and so certified by the head of the appropriate agency of the Department of Defense or his designee: *Provided, however,* That the head of the appropriate agency of the Department of Defense or his designee has determined, in accordance with the established personnel security procedures and standards of such agency, that permitting the member or employee to have access to such Restricted Data will not endanger the common defense and security: *And provided further,* That the Secretary of Defense finds that the established personnel and other security procedures and standards of such agency are adequate and in reasonable conformity to the standards established by the Commission under section 145.

"SEC. 144. INTERNATIONAL COOPERATION.—

"a. The President may authorize the Commission to cooperate with another nation and to communicate to that nation Restricted Data on—

"(1) refining, purification, and subsequent treatment of source material;

"(2) civilian reactor development;

"(3) production of special nuclear material;

"(4) health and safety;

"(5) industrial and other applications of atomic energy for peaceful purposes; and

"(6) research and development relating to the foregoing:

⁹¹ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 14, added the words: "or any other person authorized access to Restricted Data by the Commission under subsection 145 b."

⁹² Public Law 87-206 (75 Stat. 475) (1961), sec. 5, deleted the words "subsection 145 b." and substituted in lieu thereof the words, "subsections 145 b. and 145 c."

61 Stat. 498,
50 U.S.C.
403(d).

Department
of Defense
participation.
42 U.S.C.
sec. 2163.

International
cooperation.
42 U.S.C.
sec 2164

*Provided, however, That no such cooperation shall involve the communication of Restricted Data relating to the design or fabrication of atomic weapons: And provided further, That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123, or is undertaken pursuant to an agreement existing on the effective date of this Act.*⁹³

"b. The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data (including design information) as is necessary to—

Cooperation
by Defense
Department.

"(1) the development of defense plans;

"(2) the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;

"(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and

"(4) the development of compatible delivery systems for atomic weapons;

whenever the President determines that the proposed cooperation and the proposed communication of the Restricted Data will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however, That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123.*⁹⁴

⁹³ Public Law 85-479 (72 Stat. 276) (1958), sec. 5, amended subsec. a. of sec. 144 by inserting the word "civilian" before the words "reactor development" in clause (2) thereof.

⁹⁴ Public Law 85-479 (72 Stat. 276) (1958), sec. 6, amended sec. 144 by substituting a new subsec. b. Before amendment subsec. b. read as follows:

"b. The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data as is necessary to—

"(1) the development of defense plans;

"(2) the training of personnel in the employment of and defense against atomic weapons; and

"(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however, That no such cooperation shall involve communication of Restricted Data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the Commission and the Department of Defense such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon: And provided further, That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123.*"

"c. In addition to the cooperation authorized in subsections 144 a. and 144 b., the President may authorize the Commission, with the assistance of the Department of Defense, to cooperate with another nation and—

"(1) to exchange with that nation Restricted Data concerning atomic weapons: *Provided*, That communication of such Restricted Data to that nation is necessary to improve its atomic weapon design, development, or fabrication capability and provided that nation has made substantial progress in the development of atomic weapons; and

"(2) to communicate or exchange with that nation Restricted Data concerning research, development, or design, of military reactors, whenever the President determines that the proposed cooperation and the communication of the proposed Restricted Data will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however*, That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123.

"d. The President may authorize any agency of the United States to communicate in accordance with the terms and conditions of an agreement for cooperation arranged pursuant to subsection 144 a., b., or c., such Restricted Data as is determined to be transmissible under the agreement for cooperation involved.⁹⁵

"SEC. 145. RESTRICTIONS.—

"a. No arrangement shall be made under section 31, no contract shall be made or continued in effect under section 41, and no license shall be issued under section 103 or 104, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"b. Except as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager that such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to Restricted Data

Restrictions.
42 U.S.C.
sec. 2165.

Investigations
by CSC.

⁹⁵ Public Law 85-479 (72 Stat. 276) (1958), sec. 7, amended sec. 144 by adding subssecs. c. and d.

until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"c. In lieu of the investigation and report to be made by the Civil Service Commission pursuant to subsection b. of this section, the Commission may accept an investigation and report on the character, associations, and loyalty of an individual made by another Government agency which conducts personnel security investigations, provided that a security clearance has been granted to such individual by another Government agency based on such investigation and report.

"d. In the event an investigation made pursuant to subsections a. and b. of this section develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.

Investigations
by FBI.

"e. If the President deems it to be in the national interest he may from time to time determine that investigations of any group or class which are required by subsections a., b., and c. of this section be made by the Federal Bureau of Investigation.

"f. Notwithstanding the provisions of subsections a., b., and c. of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity, and upon such certification, the investigation⁹⁶ and reports required by such provisions shall be made by the Federal Bureau of Investigation.

"g. The Commission shall establish standards and specifications in writing as to the scope and extent of investigations, the reports of which will be utilized by the Commission in making the determination, pursuant to subsections a., b., and c. of this section, that permitting a person access to restricted data will not endanger the common defense and security. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the Restricted Data to which access will be permitted.

"h. Whenever the Congress declares that a state of war exists, or in the event of a national disaster due to enemy attack, the Commission is authorized during the state of

⁹⁶ Public Law 87-615 (76 Stat. 409) (1962), sec. 10, amended subsec. 145 f. by striking out a comma after the word "investigation".

war or period of national disaster due to enemy attack to employ individuals and to permit individuals access to Restricted Data pending the investigation report, and determination required by section 145 b., to the extent that and so long as the Commission finds that such action is required to prevent impairment of its activities in furtherance of the common defense and security.⁹⁷

General
provisions.
42 U.S.C.
sec. 2166.

"SEC. 146. GENERAL PROVISIONS.—

"a. Sections 141 to 145, inclusive, shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of those sections.

"b. The Commission shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

⁹⁷ Public Law 87-206 (75 Stat. 475) (1961), sec. 6, amended sec. 145 by redesignating subsec. c. as subsec. d. and subsec. g. as subsec. h. This amendment also added new subssecs. "e", "f", and "g". Before amendment, the section read as follows:

"SEC. 145. RESTRICTIONS.—

"a. No arrangement shall be made under section 31, no contract shall be made or continued in effect under section 41, and no license shall be issued under section 103 or 104, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"b. Except as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager that such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"c. In the event an investigation made pursuant to subsections a. and b. of this section develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.

"d. If the President deems it to be in the national interest, he may from time to time cause investigations of any group or class which are required by subsections a. and b. of this section to be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

"e. Notwithstanding the provisions of subsections a. and b. of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity and upon such certification the investigation and reports required by such provisions shall be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

"f. The Commission shall establish standards and specifications in writing as to the scope and extent of investigations to be made by the Civil Service Commission pursuant to subsections a. and b. of this section. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the Restricted Data to which access will be permitted.

"g. Whenever the Congress declares that a state of war exists, or in the event of a national disaster due to enemy attack, the Commission is authorized during the state of war or period of national disaster due to enemy attack to employ individuals and to permit individuals access to Restricted Data pending the investigation report, and determination required by section 145 b., to the extent that and so long as the Commission finds that such action is required to prevent impairment of its activities in furtherance of the common defense and security."

"CHAPTER 13. PATENTS AND INVENTIONS

"SEC. 151. INVENTIONS RELATING TO ATOMIC WEAPONS, AND FILING OF REPORTS.—^{97a}

Inventions
relating to
atomic
weapons.
42 U.S.C.
sec. 2181.

"a. No patent shall hereafter be granted for any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon. Any patent granted for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

"b. No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the utilization of special nuclear material or atomic energy in atomic weapons. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

"c. Any person who has made or hereafter makes any invention or discovery useful in the production or utilization of special nuclear material or atomic energy, shall file with the Commission a report containing a complete description thereof unless such invention or discovery is described in an application for a patent filed with the Commissioner of Patents by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before the one hundred and eightieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.⁹⁸

Inventions
reports.

"d. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which, in his opinion, disclose inventions or discoveries required to be reported under subsection 151 c., and shall provide the Commission access to all such applications.

"e. Reports filed pursuant to subsection c. of this section, and applications to which access is provided under subsection d. of this section, shall be kept in confidence by

^{97a} Public Law 87-206 (75 Stat. 475) (1961), sec. 7, changed the title of this section. The title prior to amendment was "Military Utilization."

⁹⁸ Public Law 87-206 (75 Stat. 475) (1961), sec. 8, amended sec. 151c. Before amendment section 151c. read as follows:

"c. Any person who has made or hereafter makes any invention or discovery useful (1) in the production or utilization of special nuclear material or atomic energy; (2) in the utilization of special nuclear material in an atomic weapon; or (3) in the utilization of atomic energy in an atomic weapon, shall file with the Commission a report containing a complete description thereof unless such invention or discovery is described in an application for a patent filed with the Commissioner of Patents by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the later: either the ninetieth day after completion of such invention or discovery; or the ninetieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization."

the Commission, and no information concerning the same given without authority of the inventor or owner unless necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commission.⁹⁹

Invention conceived during Commission contracts.
42 U.S.C.
sec. 2182.

"SEC. 152. INVENTIONS MADE OR CONCEIVED DURING COMMISSION CONTRACTS.—Any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds by the Commission, shall be vested in, and be the property of, the Commission, except that the Commission may waive its claim to any such invention or discovery under such circumstances as the Commission may deem appropriate, consistent with the policy of this section. No patent for any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, shall be issued unless the applicant files with the application, or within thirty days after request therefor by the Commissioner of Patents (unless the Commission advises the Commissioner of Patents that its rights have been determined and that accordingly no statement is necessary) a statement under oath setting forth the full facts surrounding the making or conception of the invention or discovery described in the application and whether the invention or discovery was made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds by the Commission. The Commissioner of Patents shall as soon as the application is otherwise in condition for allowance¹⁰⁰ forward copies of the application and the statement to the Commission.

"The Commissioner of Patents may proceed with the application and issue the patent to the applicant (if the invention or discovery is otherwise patentable) unless the Commission, within 90 days after receipt of copies of the application and statement, directs the Commissioner of Patents to issue the patent to the Commission (if the invention or discovery is otherwise patentable) to be held by the Commission as the agent of and on behalf of the United States.

"If the Commission files such a direction with the Commissioner of Patents, and if the applicant's statement claims, and the applicant still believes, that the invention or discovery was not made or conceived in the

⁹⁹ Public Law 87-206 (75 Stat. 475) (1961), see 9, added subsec. e.

¹⁰⁰ Amended by Public Law 87-615 (76 Stat. 409) (1962), sec. 11. Prior to amendment word was "allowances".

course of or under any contract, subcontract or arrangement entered into with or for the benefit of the Commission entitling the Commission to the title to the application or the patent the applicant may, within 30 days after notification of the filing of such a direction, request a hearing before a Board of Patent Interferences. The Board shall have the power to hear and determine whether the Commission was entitled to the direction filed with the Commissioner of Patents. The Board shall follow the rules and procedures established for interference cases and an appeal may be taken by either the applicant or the Commission from the final order of the Board to the Court of Customs and Patent Appeals in accordance with the procedures governing the appeals from the Board of Patent Interferences.

"If the statement filed by the applicant should thereafter be found to contain false material statements any notification by the Commission that it has no objections to the issuance of a patent to the applicant shall not be deemed in any respect to constitute a waiver of the provisions of this section or of any applicable civil or criminal statute, and the Commission may have the title to the patent transferred to the Commission on the records of the Commissioner of Patents in accordance with the provisions of this section. A determination of rights by the Commission pursuant to a contractual provision or other arrangement prior to the request of the Commissioner of Patents for the statement, shall be final in the absence of false material statements or nondisclosure of material facts by the applicant.¹⁰¹

¹⁰¹ Public Law 87-206 (75 Stat. 475) (1961), sec. 10, amended sec. 152. Before amendment this section read as follows:

"SEC. 152. INVENTIONS CONCEIVED DURING COMMISSION CONTRACTS.—Any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, made or conceived under any contract, subcontract, arrangement, or other relationship with the Commission, regardless of whether the contract or arrangement involved the expenditure of funds by the Commission, shall be deemed to have been made or conceived by the Commission, except that the Commission may waive its claim to any such invention or discovery if made or conceived by any person at or in connection with any laboratory under the jurisdiction of the Commission as provided in section 33, or under such other circumstances as the Commission may deem appropriate. No patent for any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, shall be issued unless the applicant files with the application, or within 30 days after request therefor by the Commissioner of Patents, a statement under oath setting forth the full facts surrounding the making or conception of the invention or discovery described in the application and whether the invention or discovery was made or conceived in the course of, in connection with or under the terms of any contract, subcontract, arrangement, or other relationship with the Commission, regardless of whether the contract or arrangement involved the expenditure of funds by the Commission. The Commissioner of Patents shall forthwith forward copies of the application and the statement to the Commission.

"The Commissioner of Patents may proceed with the application and issue the patent to the applicant (if the invention or discovery is otherwise patentable) unless the Commission, within 90 days after receipt of copies of the application and statement, directs the Commissioner of Patents to issue the patent to the Commission (if the invention or discovery is otherwise patentable) to be held by the Commission as the agent of and on behalf of the United States.

"If the Commission files such a direction with the Commissioner of Patents, and if the applicant's statement claims, and the applicant still believes, that the invention or discovery was not made or conceived in the course of, in connection with, or under the terms of any contract, subcon-

Nonmilitary
utilization.
42 U.S.C.
sec. 2153.

"SEC. 153. NONMILITARY UTILIZATION.—

"a. The Commission may, after giving the patent owner an opportunity for a hearing, declare any patent to be affected with the public interest if (1) the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy; and (2) the licensing of such invention or discovery under this section is of primary importance to effectuate the policies and purposes of this Act.

"b. Whenever any patent has been declared affected with the public interest, pursuant to subsection 153 a.—

"(1) the Commission is hereby licensed to use the invention or discovery covered by such patent in performing any of its powers under this Act; and

"(2) any person may apply to the Commission for a nonexclusive patent license to use the invention or discovery covered by such patent, and the Commission shall grant such patent license to the extent that it finds that the use of the invention or discovery is of primary importance to the conduct of an activity by such person authorized under this Act.

"c. Any person—

"(1) who has made application to the Commission for a license under sections 53, 62, 63, 81, 103, or 104, or a permit or lease under section 67;

"(2) to whom such license, permit, or lease has been issued by the Commission;

"(3) who is authorized to conduct such activities as such applicant is conducting or proposes to conduct under a general license issued by the Commission under sections 62 or 81; or

"(4) whose activities or proposed activities are authorized under section 31,

may at any time make application to the Commission for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent. Each such application shall set forth the nature and pur-

(Continued)

tract, arrangement, or other relationship with the Commission entitling the Commission to take title to the application or the patent the applicant may, within 30 days after notification of the filing of such a direction, request a hearing before a Board of Patent Interferences. The Board shall have the power to hear and determine whether the Commission was entitled to the direction filed with the Commissioner of Patents. The Board shall follow the rules and procedures established for interference cases and an appeal may be taken by either the applicant or the Commission from the final order of the Board to the Court of Customs and Patent Appeals in accordance with the procedures governing the appeals from the Board of Patent Interferences.

"If the statement filed by the applicant should thereafter be found to contain false material statements any notification by the Commission that it has no objections to the issuance of a patent to the applicant shall not be deemed in any respect to constitute a waiver of the provisions of this section or of any applicable civil or criminal statute, and the Commission may have the title to the patent transferred to the Commission on the records of the Commissioner of Patents in accordance with the provisions of this section."

pose of the use which the applicant intends to make of the patent license, the steps taken by the applicant to obtain a patent license from the owner of the patent, and a statement of the effects, as estimated by the applicant, on the authorized activities which will result from failure to obtain such patent license and which will result from the granting of such patent license.

“d. Whenever any person has made an application to the Commission for a patent license pursuant to subsection 153 c.—

“(1) the Commission, within 30 days after the filing of such application, shall make available to the owner of the patent all of the information contained in such application, and shall notify the owner of the patent of the time and place at which a hearing will be held by the Commission;

“(2) the Commission shall hold a hearing within 60 days after the filing of such application at a time and place designated by the Commission; and

“(3) in the event an applicant applies for two or more patent licenses, the Commission may, in its discretion, order the consolidation of such applications, and if the patents are owned by more than one owner, such owners may be made parties to one hearing.

“e. If, after any hearing conducted pursuant to subsection 153 d., the Commission finds that—

“(1) the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

“(2) the licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

“(3) the activities to which the patent license are proposed to be applied by such applicant are of primary importance to the furtherance of policies and purposes of this Act; and

“(4) such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Commission deems to be reasonable for the intended use of the patent to be made by such applicant,

the Commission shall license the applicant to use the invention or discovery covered by the patent for the purposes stated in such application on terms deemed equitable by the Commission and generally not less fair than those granted by the patents or by the Commission to similar licensees for comparable use.

“f. The Commission shall not grant any patent license pursuant to subsection 153 e. for any other purpose than that stated in the application. Nor shall the Commission

grant any patent license to any other applicant for a patent license on the same patent without an application being made by such applicant pursuant to subsection 153 c., and without separate notification and hearing as provided in subsection 153 d., and without a separate finding as provided in subsection 153 e.

"g. The owner of the patent affected by a declaration or a finding made by the Commission pursuant to subsection 153 b. or 153 e. shall be entitled to a reasonable royalty fee from the licensee for any use of an invention or discovery licensed by this section. Such royalty fee may be agreed upon by such owner and the patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to subsection 157 c.

"h. The provisions of this section shall apply to any patent the application for which shall have been filed before September 1, 1979.¹⁰²

"SEC. 154. INJUNCTIONS.—No court shall have jurisdiction or power to stay, restrain, or otherwise enjoin the use of any invention or discovery by a patent licensee, to the extent that such use is licensed by subsection 153 b. or 153 e. If, in any action against such patent licensee, the court shall determine that the defendant is exercising such license, the measure of damages shall be the royalty fee determined pursuant to subsection 157 c., together with such costs, interest, and reasonable attorney's fees as may be fixed by the court. If no royalty fee has been determined, the court shall stay the proceeding until the royalty fee is determined pursuant to subsection 157 c. If any such patent licensee shall fail to pay such royalty fee, the patentee may bring an action in any court of competent jurisdiction for such royalty fee, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court.

"SEC. 155. PRIOR ART.—In connection with applications for patents covered by this Chapter, the fact that the invention or discovery was known or used before shall be a bar to the patenting of such invention or discovery even though such prior knowledge or use was under secrecy within the atomic energy program of the United States.

"SEC. 156. COMMISSION PATENT LICENSES.—The Commission shall establish standard specifications upon which it may grant a patent license to use any patent held by the Commission or declared to be affected with the pub-

Injunctions.
42 U.S.C.
sec. 2184.

Prior art.
42 U.S.C.
sec. 2185.

Commission
patent licenses.
42 U.S.C.
sec. 2186.

¹⁰² Public Law 86-50 (73 Stat. 81) (1959), sec. 114, amended subsec. 153 h. by changing the date from Sept. 1, 1959, to Sept. 1, 1964. Public Law 88-394 (78 Stat. 376) (1964), sec. 1, amended subsec. 153 h. by changing the date from Sept. 1, 1964, to Sept. 1, 1969. Public Law 91-161 (83 Stat. 444) (1969), sec. 1, amended subsec. 153 h. by changing the date from Sept. 1, 1969, to Sept. 1, 1974. Public Law 93-377, sec. 6 (88 Stat. 475) (1974), amended subsec. 153 h. by changing the date from Sept. 1, 1974 to Sept. 1, 1979.

lic interest pursuant to subsection 153 a. Such a patent license shall not waive any of the other provisions of this Act.

"SEC. 157. COMPENSATION, AWARDS, AND ROYALTIES.—

Compensation,
awards, and
royalties.
42 U.S.C.
sec. 2187.

"a. PATENT COMPENSATION BOARD.—The Commission shall designate a Patent Compensation Board to consider applications under this section. The members of the Board shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Board. The members of the Board may serve as such without regard to the provisions of sections 281, 283, or 284 of Title 18 of the United States Code, except in so far as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

62 Stat. 697.

"b. ELIGIBILITY.—

Eligibility.

"(1) Any owner of a patent licensed under section 158 or subsections 153 b. or 153 e., or any patent licensee thereunder may make application to the Commission for the determination of a reasonable royalty fee in accordance with such procedures as the Commission by regulation may establish.

"(2) Any person seeking to obtain the just compensation provided in section 151 shall make application therefor to the Commission in accordance with such procedures as the Commission may by regulation establish.

"(3) Any person making any invention or discovery useful in the production or utilization of special nuclear material or atomic energy, who is not entitled to compensation or a royalty therefor under this Act and who has complied with the provisions of section 151 c. hereof may make application to the Commission for, and the Commission may grant, an award. The Commission may also, after consultation with¹⁰³ the General Advisory Committee, and with the approval of the President, grant an award for any especially meritorious contribution to the development, use, or control of atomic energy.

"c. STANDARDS.—

Standards.

"(1) In determining a reasonable royalty fee as provided for in subsection 153 b., or 153 e., the Commission shall take into consideration (A) the advice of the Patent Compensation Board; (B) any defense, general or special, that might be pleaded by a defendant in an action for infringement; (C) the extent to which, if any, such patent was developed through federally financed research; and (D) the degree of utility, novelty, and im-

¹⁰³ Public Law 93-276 (88 Stat. 115) (1974), sec. 201, amended this section by substituting the words "after consultation with" for the words "upon the recommendation of".

portance of the invention or discovery, and may consider the cost to the owner of the patent of developing such invention or discovery or acquiring such patent.

"(2) In determining what constitutes just compensation as provided for in section 151, or in determining the amount of any award under subsection 157 b.(3), the Commission shall take into account the considerations set forth in subsection 157 c.(1) and the actual use of such invention or discovery. Such compensation may be paid by the Commission in periodic payments or in a lump sum.

"d. PERIOD OF LIMITATIONS.—Every application under this section shall be barred unless filed within six years after the date on which first accrues the right of such reasonable royalty fee, just compensation, or award for which such application is filed.¹⁰⁴

Monopolistic
use of patents.
42 U.S.C.
sec. 2188.

"SEC. 158. MONOPOLISTIC USE OF PATENTS.—Whenever the owner of any patent hereafter granted for any invention or discovery of primary use in the utilization or production of special nuclear material or atomic energy is found by a court of competent jurisdiction to have intentionally used such patent in a manner so as to violate any of the antitrust laws specified in subsection 105 a., there may be included in the judgment of the court, in its discretion and in addition to any other lawful sanctions, a requirement that such owner license such patent to any other licensee of the Commission who demonstrates a need therefor. If the court, at its discretion, deems that such licensee shall pay a reasonable royalty to the owner of the patent, the reasonable royalty shall be determined in accordance with section 157.¹⁰⁵

Federally
financed
research.
42 U.S.C.
sec. 2189.

"SEC. 159. FEDERALLY FINANCED RESEARCH.—Nothing in this Act shall affect the right of the Commission to require that patents granted on inventions made or conceived during the course of federally financed research or operations, be assigned to the United States.

Saving
clause.
42 U.S.C.
sec. 2190.

"SEC. 160. SAVING CLAUSE.—Any patent application on which a patent was denied by the United States Patent Office under sections 11 (a) (1), 11 (a) (2), or 11 (b) of the Atomic Energy Act of 1946,¹⁰⁶ and which is not prohibited by section 151 or section 155 of this Act may be reinstated upon application to the Commissioner of Patents within one year after enactment of this Act and shall then be deemed to have been continuously pending since its original filing date: *Provided, however*, That no patent issued upon any patent application so reinstated shall in any way furnish a basis of claim against the Government of the United States.

¹⁰⁴ Public Law 87-206 (75 Stat. 475) (1961), sec. 11, added subsec. 4.

¹⁰⁵ The second sentence of sec. 158 was amended by Public Law 87-206 (75 Stat. 475) (1961), sec. 12. Prior to amendment, it read: "Such licensee shall pay a reasonable royalty fee to be determined in accordance with section 157, to the owner of the patent."

¹⁰⁶ See Atomic Energy Act of 1946, appendix 4, *infra*, sec. 11.

“CHAPTER 14. GENERAL AUTHORITY

“SEC. 161. GENERAL PROVISIONS.—In the performance of its functions the Commission is authorized to—

General
provisions.
42 U.S.C.
sec. 2201.

“a. establish advisory boards to advise with and make recommendations to the Commission on legislation, policies, administration, research, and other matters, provided that the Commission issues regulations setting forth the scope, procedure, and limitations of the authority of each such board;

“b. establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable to promote the common defense and security or to protect health or to minimize danger to life or property;

“c. make such studies and investigations, obtain such information, and hold such meetings or hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this Act, or in the administration or enforcement of this Act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpoena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. Witnesses subpoenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States;¹⁰⁷

27 Stat. 443,
49 U.S.C. 46.

“d. appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1949, as amended, except that, to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws: *Provided, however,* That no officer or employee (except such officers and employees whose compensation is fixed by law, and scientific and technical personnel up to a limit of the highest rate of grade 18 of the General Schedule of the Classi-

80 Stat. 448,
5 U.S.C. 5101.

¹⁰⁷ Public Law 91-452 (84 Stat. 922) (1970), sec. 237. The Organized Crime Control Act of 1970, deleted the following sentence from subsec. 161 c. “No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893, shall apply with respect to any individual who specifically claims such privilege.”

fication Act of 1949, as amended ¹⁰⁸) whose position would be subject to the Classification Act of 1949, as amended, if such Act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under such Act for positions of equivalent difficulty or responsibility. Such rates of compensation may be adopted by the Commission as may be authorized by the Classification Act of 1949, as amended, as of the same date such rates are authorized for positions subject to such Act.¹⁰⁹ The Commission shall make adequate provision for administrative review of any determination to dismiss any employee;

"e. acquire such material, property, equipment, and facilities, establish or construct such buildings and facilities, and modify such buildings and facilities from time to time, as it may deem necessary, and construct, acquire, provide, or arrange for such facilities and services (at project sites where such facilities and services are not available) for the housing, health, safety, welfare, and recreation of personnel employed by the Commission as it may deem necessary, subject to the provisions of section 174: *Provided, however,* That in the communities owned by the Commission, the Commission is authorized to grant privileges, leases and permits upon adjusted terms which (at the time of the initial grant of any privilege, grant, lease, or permit, or renewal thereof, or in order to avoid inequities or undue hardship prior to the sale by the United States of property affected by such grant)¹¹⁰ are fair and reasonable to responsible persons to operate commercial businesses without advertising and without advertising (sic) and without securing competitive bids, but taking into consideration, in addition to the price, and among other things (1) the quality and type of services required by the residents of the community, (2) the experience of each concession applicant in the community and its surrounding area, (3) the ability of the concession applicant to meet the needs of the community, and (4) the contribution the concession applicant has made or will make to the other activities and general welfare of the community;¹¹¹

¹⁰⁸ Public Law 87-793 (76 Stat. 832) (1962), sec. 1001(g), added the words "up to a limit of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended". Prior to this amendment a limitation of \$19,000 had been imposed by Public Law 85-287 (71 Stat. 612) (1957), sec. 4.

¹⁰⁹ Public Law 85-681 (72 Stat. 633) (1968), sec. --, amended subsec. 161 d. by inserting this sentence.

¹¹⁰ Public Law 85-162 (71 Stat. 403) (1957), sec. 201, added the clause "(at the time of the initial grant of any privilege grant, lease, or permit, or renewal thereof, or in order to avoid inequities or undue hardship prior to the sale by the United States of property affected by such grant)".

¹¹¹ Public Law 84-722 (70 Stat. 553) (1956), amended sec. 161 e. by adding the proviso clause.

"f. with the consent of the agency concerned, utilize or employ the services of personnel of any Government agency or any State or local government, or voluntary or uncompensated personnel, to perform such functions on its behalf as may appear desirable;

"g. acquire, purchase, lease, and hold real and personal property, including patents, as agent of and on behalf of the United States,¹¹² subject to the provisions of section 174, and to sell, lease, grant, and dispose of such real and personal property as provided in this Act;

"h. consider in a single application one or more of the activities for which a license is required by this Act, combine in a single license one or more of such activities, and permit the applicant or licensee to incorporate by reference pertinent information already filed with the Commission;

"i. prescribe such regulations or orders as it may deem necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this Act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to section 53 or produced by any person in connection with any activity authorized pursuant to this Act, to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, including regulations or orders designating activities, involving quantities of special nuclear material which in the opinion of the Commission are important to the common defense and security, that may be conducted only by persons whose character, associations, and loyalty shall have been investigated under standards and specifications established by the Commission and as to whom the Commission shall have determined that permitting each such person to conduct the activity will not be inimical to the common defense and security,¹¹³ and (3) to govern any activity authorized pursuant to this Act, including standards and restrictions governing the design, location, and operation of facilities used in the conduct of such activity, in order to protect health and to minimize danger to life or property;"

¹¹² The text of Executive Order 9816, providing for the transfer of properties and personnel of the Manhattan Engineer District to the Atomic Energy Commission on January 1, 1947, will be found in appendix F, *infra*.

¹¹³ Sec. 7 of Public Law 93-377 (88 Stat. 475) (1974), amended subsec. 161 i. by adding the phrase beginning with the word "including" and ending with the word "security" the second time it appears thereafter.

63 Stat. 377,
40 U.S.C. 471
note, 488.

"j. without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, except section 207 of that Act, or any other law, make such disposition as it may deem desirable of (1) radioactive materials, and (2) any other property, the special disposition of which is, in the opinion of the Commission, in the interest of the national security: *Provided, however,* That the property furnished to licensees in accordance with the provisions of subsection 161 m. shall not be deemed to be properly disposed of by the Commission pursuant to this subsection;

"k. authorize such of its members, officers, and employees as it deems necessary in the interest of the common defense and security to carry firearms while in the discharge of their official duties. The Commission may also authorize such of those employees of its contractors engaged in the protection of property owned by the United States and located at facilities owned by or contracted to the United States as it deems necessary in the interests of the common defense and security to carry firearms while in the discharge of their official duties;

"m.¹¹⁴ enter into agreements with persons licensed under Section 103, 104, 53 a. (4), or 63 a. (4)¹¹⁵ for such periods of time as the Commission may deem necessary or desirable (1) to provide for the processing, fabricating, separating, or refining in facilities owned by the Commission of source, byproduct, or other material or special nuclear material owned by or made available to such licensees and which is utilized or produced in the conduct of the licensed activity, and (2) to sell, lease, or otherwise make available to such licensees such quantities of source or byproduct material, and other material not defined as special nuclear material pursuant to this Act, as may be necessary for the conduct of the licensed activity: *Provided, however,* That any such agreement may be canceled by the licensee at any time upon payment of such reasonable cancellation charges as may be agreed upon by the licensee and the Commission: *And provided further,* That the

¹¹⁴ Public Law 87-456 (76 Stat. 72) (1962), sec. 303(c), the Tariff Classification Act of 1962, repealed sec. 161 l, effective on the 10 day following a Presidential proclamation concerning tariff schedules, import restrictions and related matters. This proclamation was issued on August 21, 1963 (3 C.F.R., Proclamation 3548).

Sec. 161 l. read as follows:

"l. Secure the admittance free of duty into the United States of purchases made abroad of source materials, upon certification to the Secretary of the Treasury that such entry is necessary in the interest of the common defense and security;"

¹¹⁵ Public Law 86-300 (73 Stat. 574) (1959), sec. 1, amended subsec. 161 m. to authorize agreements with persons licensed under secs. 53 a. (4) or 63 a. (4) as well as under secs. 103 or 104.

Commission shall establish prices to be paid by licensees for material or services to be furnished by the Commission pursuant to this subsection, which prices shall be established on such a nondiscriminatory basis as, in the opinion of the Commission, will provide reasonable compensation to the Government for such material or services and will not discourage the development of sources of supply independent of the Commission;

"n.¹¹⁶ delegate to the General Manager or other officers of the Commission any of those functions assigned to it under this Act except those specified in sections 51, 57 b.,¹¹⁷ 61,¹¹⁸ 108, 123, 145 b. (with respect to the determination of those persons to whom the Commission may reveal Restricted Data in the national interest), 145 f.,¹¹⁹ and 161 a.;

"o. require by rule, regulation, or order, such reports, and the keeping of such records with respect to, and to provide for such inspections of, activities and studies of types specified in section 31 and of activities under licenses issued pursuant to sections 53, 63, 81, 103, and 104, as may be necessary to effectuate the purposes of this Act, including section 105; and

"p. make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.

"q. The Commission is authorized and empowered, under such terms and conditions as are deemed advisable by it, to grant easements for rights-of-way over, across, in, and upon acquired lands under its jurisdiction and control, and public lands permanently withdrawn or reserved for the use of the Commission, to any State, political subdivision thereof, or municipality, or to any individual, partnership, or corporation of any State, Territory, or possession of the United States, for (a) railroad

Easements for
rights-of-way.

¹¹⁶ Public Law 85-507 (72 Stat. 327) (1958), sec. 21, repealed former subsec. 161 n., and relettered subsequent subsections accordingly.

Subsec. 161 n. read as follows: "n. assign scientific, technical, professional, and administrative employees for instruction, education, or training by public or private agencies, institutions of learning, laboratories, or industrial or commercial organizations and to pay the whole or any part of the salaries of such employees, costs of their transportation and per diem in lieu of subsistence in accordance with applicable laws and regulations, and training charges incident to their assignments (including tuition and other related fees): *Provided, however,* That (1) not more than one per centum of the eligible employees shall be so assigned during any fiscal year, and (2) any such assignment shall be approved in advance by the Commission or shall be in accordance with a training program previously approved by the Commission: *And provided further,* That appropriations or other funds available to the Commission for salaries or expenses shall be available for the purposes of this subsection:"

¹¹⁷ Public Law 90-190 (81 Stat. 575) (1967), sec. 11, amended sec. 161 n. by striking out "57 a. (3)" and inserting in lieu thereof "57 b."

¹¹⁸ Public Law 91-560 (84 Stat. 1472) (1970), sec. 7, amended subsec. 161 n. by striking out at this point the following: "102 (with respect to the finding of practical value)."

¹¹⁹ Amended by Public Law 87-615 (76 Stat. 409) (1962), sec. 12. Prior to amendment reference was to "145 e."

tracks; (b) oil pipe lines; (c) substations for electric power transmission lines, telephone lines, and telegraph lines, and pumping stations for gas, water, sewer, and oil pipe lines; (d) canals; (e) ditches; (f) flumes; (g) tunnels; (h) dams and reservoirs in connection with fish and wildlife programs, fish hatcheries, and other fish-cultural improvements; (i) roads and streets; and (j) for any other purpose or purposes deemed advisable by the Commission: *Provided*, That such rights-of-way shall be granted only upon a finding by the Commission that the same will not be incompatible with the public interest: *Provided further*, That such rights-of-way shall not include any more land than is reasonably necessary for the purpose for which granted: *And provided further*, That all or any part of such rights-of-way may be annulled and forfeited by the Commission for failure to comply with the terms and conditions of any grant hereunder or for nonuse for a period of two consecutive years or abandonment of rights granted under authority hereof. Copies of all instruments granting easements over public lands pursuant to this section shall be furnished to the Secretary of the Interior.¹²⁰

"r. Under such regulations and for such periods and at such prices the Commission may prescribe, the Commission may sell or contract to sell to purchasers within Commission-owned communities or in the immediate vicinity of the Commission community, as the case may be, any of the following utilities and related services, if it is determined that they are not available from another local source and that the sale is in the interest of the national defense or in the public interest:

- "(1) Electric power.
- "(2) Steam.
- "(3) Compressed air.
- "(4) Water.
- "(5) Sewage and garbage disposal.
- "(6) Natural, manufactured, or mixed gas.
- "(7) Ice.
- "(8) Mechanical refrigeration.
- "(9) Telephone service.

"Proceeds of sales under this subsection shall be credited to the appropriation currently available for the supply of that utility or service. To meet local needs the Commission may make minor expansions and extensions of any distributing system or facility within or in the immediate vicinity of a Commis-

¹²⁰ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 4, added subsec. q. (originally subsec. r.).

sion-owned community through which a utility or service is furnished under this subsection.¹²¹

Succession of
authority.

"s. establish a plan for a succession of authority which will assure the continuity of direction of the Commission's operations in the event of a national disaster due to enemy activity. Notwithstanding any other provision of this Act, the person or persons succeeding to command in the event of disaster in accordance with the plan established pursuant to this subsection shall be vested with all of the authority of the Commission: *Provided*, That any such succession to authority, and vesting of authority shall be effective only in the event and as long as a quorum of three or more members of the Commission is unable to convene and exercise direction during the disaster period: *Provided further*, That the disaster period includes the period when attack on the United States is imminent and the post-attack period necessary to reestablish normal lines of command; ¹²²

Processing
contracts.

"t. enter into contracts for the processing, fabricating, separating, or refining in facilities owned by the Commission of source, byproduct or other material, or special nuclear material, in accordance with and within the period of an agreement for cooperation while comparable services are available to persons licensed under section 103 or 104: *Provided*, That the prices for services under such contracts shall be no less than the prices currently charged by the Commission pursuant to section 161m.;¹²²

Long term
contract
authority.

"u. (1) enter into contracts for such periods of time as the Commission may deem necessary or desirable, but not to exceed five years from the date of execution of the contract, for the purchase or acquisition of reactor services or services related to or required by the operation of reactors;

"(2) (A) enter into contracts for such periods of time as the Commission may deem necessary or desirable for the purchase or acquisition of any supplies, equipment, materials, or services required by the Commission whenever the Commission determines that: (i) it is advantageous to the Government to make such purchase or acquisition from commercial sources; (ii) the furnishing of such supplies, equipment, materials, or services will require the construction or acquisition of special facilities by the vendors or suppliers thereof; (iii) the amortization chargeable to the Commission constitutes an appreciable portion of the cost of contract performance,

¹²¹ Public Law 85-162 (71 Stat. 403) (1957), sec. 204, added subsec. r. (originally subsec. s.).

¹²² Public Law 85-681 (72 Stat. 632) (1958), sec. 7, amended sec. 161 by adding new subsecs. t., u., and v. Public Law 87-206 (75 Stat. 475) (1961), sec. 13, changed the designation of subsecs. t., u., and v. to subsecs. s., t., and u., respectively.

excluding cost of materials; and (iv) the contract for such period is more advantageous to the Government than a similar contract not executed under the authority of this subsection. Such contracts shall be entered into for periods not to exceed five years each from the date of initial delivery of such supplies, equipment, materials, or services or ten years from the date of execution of the contracts excluding periods of renewal under option.

“(B) In entering into such contracts the Commission shall be guided by the following principles: (i) the percentage of the total cost of special facilities devoted to contract performance and chargeable to the Commission should not exceed the ratio between the period of contract deliveries and the anticipated useful life of such special facilities; (ii) the desirability of obtaining options to renew the contract for reasonable periods at prices not to include charges for special facilities already amortized; and (iii) the desirability of reserving in the Commission the right to take title to the special facilities under appropriate circumstances; and

“(3) include in contracts made under this subsection provisions which limit the obligation of funds to estimated annual deliveries and services and the unamortized balance of such amounts due for special facilities as the parties shall agree is chargeable to the performance of the contract. Any appropriation available at the time of termination or thereafter made available to the Commission for operating expenses shall be available for payment of such costs which may arise from termination as the contract may provide. The term ‘special facilities’ as used in this subsection means any land and any depreciable buildings, structures, utilities, machinery, equipment, and fixtures necessary for the production or furnishing of such supplies, equipment, materials, or services and not available to the vendors or suppliers for the performance of the contract.¹²³

Contract
authority.

“v. (A) enter into contracts with persons licensed under sections 53, 63, 103 or 104 for such periods of time as the Commission may deem necessary or desirable to provide, after December 31, 1968, for the producing or enriching of special nuclear material in facilities owned by the Commission; and

“(B) enter into contracts to provide, after December 31, 1968, for the producing or enriching of special nuclear material in facilities owned by the Commission in accordance with and within the period of an agreement for cooperation arranged

¹²³ See footnote 122, *supra*.

pursuant to section 123 while comparable services are made available pursuant to paragraph (A) of this subsection:

Provided, That (i) prices for services under paragraph (A) of this subsection shall be established on a nondiscriminatory basis; (ii) prices for services under paragraph (B) of this subsection shall be no less than prices under paragraph (A) of this subsection; and (iii) any prices established under this subsection shall be on a basis of recovery of the Government's costs over a reasonable period of time:¹²⁴ *And provided further*, That the Commission, to the extent necessary to assure the maintenance of a viable domestic uranium industry, shall not offer such services for source or special nuclear materials of foreign origin intended for use in a utilization facility within or under the jurisdiction of the United States. The Commission shall establish criteria in writing setting forth the terms and conditions under which services provided under this subsection shall be made available including the extent to which such services will be made available for source or special nuclear material of foreign origin intended for use in a utilization facility within or under the jurisdiction of the United States: *Provided*, That before the Commission establishes such criteria, the proposed criteria shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing the forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days) unless the Joint Committee by resolution in writing waives the conditions of, or all or any portion of, such forty-five day period.¹²⁵

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.¹²⁶

"x. Establish by rule, regulation, or order, after public notice, and in accordance with the requirements of section 181 of this Act, such standards and instructions as the Commission may deem necessary or desirable to ensure— 42 U.S.C. 2231.

"(1) that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided, before termination of any license

¹²⁴ Public Law 91-560 (84 Stat. 1472) (1970), sec. 8, amended this proviso by deleting after the word "basis" the following: "which will provide reasonable compensation to the Government" and substituting therefor the language appearing above.

¹²⁵ Public Law 88-489 (78 Stat. 602) (1964), sec. 16, added subsec. v.

¹²⁶ Public Law 92-314 (86 Stat. 222) (1972), sec. 301, added subsec. w.

42 U.S.C. 2014.

for byproduct material as defined in section 11 e. (2), by a licensee to permit the completion of all requirements established by the Commission for the decontamination, decommissioning, and reclamation of sites, structures, and equipment used in conjunction with byproduct material as so defined, and

“(2) that—

“(A) in the case of any such license issued or renewed after the date of the enactment of this subsection, the need for long-term maintenance and monitoring of such sites, structures and equipment after termination of such license will be minimized and, to the maximum extent practicable, eliminated; and

“(B) in the case of each license for such material (whether in effect on the date of the enactment of this section or issued or renewed thereafter), if the Commission determines that any such long-term maintenance and monitoring is necessary, the licensee, before termination of any license for byproduct material as defined in section 11 e. (2), will make available such bonding, surety, or other financial arrangements as may be necessary to assure such long-term maintenance and monitoring.

Such standards and instructions promulgated by the Commission pursuant to this subsection shall take into account, as determined by the Commission, so as to avoid unnecessary duplication and expense, performance bonds or other financial arrangements which are required by other Federal agencies or State agencies and/or other local governing bodies for such decommissioning, decontamination, and reclamation and long-term maintenance and monitoring except that nothing in this paragraph shall be construed to require that the Commission accept such bonds or arrangements if the Commission determines that such bonds or arrangements are not adequate to carry out subparagraphs (1) and (2) of this subsection.¹²⁷

Contracts.
42 U.S.C.
sec. 2202.

“SEC. 162. CONTRACTS.—The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

Advisory
committees.
42 U.S.C.
sec. 2203.

“SEC. 163. ADVISORY COMMITTEES.—The members of the General Advisory Committee established pursuant to section 26 and the members of advisory boards established pursuant to section 161 a. may serve as such without regard to the provisions of sections 281, 283, or 284

¹²⁷ Public Law 95-604 (92 Stat. 3036) (1978), sec. 203, added a new subsec. 161(x).

of Title 18 of the United States Code, except insofar as such sections may prohibit any such member from receiving compensation from a source other than a nonprofit educational institution¹²⁸ in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.¹²⁹

"SEC. 164. ELECTRIC UTILITY CONTRACTS.—The Commission is authorized in connection with the construction or operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission, without regard to section 3679 of the Revised Statutes, as amended, to enter into new contracts or modify or confirm existing contracts to provide for electric utility services for periods not exceeding twenty-five years, and such contracts shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contracts, and any appropriation presently or hereafter made available to the Commission shall be available for the payment of such cancellation costs. Any such cancellation payments shall be taken into consideration in determination of the rate to be charged in the event the Commission or any other agency of the Federal Government shall purchase electric utility services from the contractors subsequent to the cancellation and during the life of the original contract. The authority of the Commission under this section to enter into new contracts or modify or confirm existing contracts to provide for electric utility services includes, in case such electric utility services are to be furnished to the Commission by the Tennessee Valley Authority, authority to contract with any person to furnish electric utility services to the Tennessee Valley Authority in replacement thereof. Any contract hereafter entered into by the Commission pursuant to this section shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days) before the contract of the Commission shall become effective: *Provided, however,* That the Joint Committee, after having received the proposed contract, may by resolution in writing, waive the conditions of or all or any portion of such thirty-day period.

62 Stat. 697.

Electric utility
contracts.
42 U.S.C.
sec. 2204.

31 U.S.C. 665.

¹²⁸ Public Law 86-300 (73 Stat. 574) (1959), sec. 2, amended sec. 163 by inserting after the words "from receiving compensation" the words "from a source other than a nonprofit educational institution".

¹²⁹ Public Law 87-849 (76 Stat. 1119) (1962), sec. 2, revised the existing conflict of interest laws. All exemptions from the provisions of secs. 281, 283 and 284 of Title 18 of the U.S. Code are deemed to be exemptions from the corresponding sections of the new conflict of interest law "except to the extent that they affect officers or employees of the executive branch of the United States Government [or] of any independent agency of the United States, * * * as to whom they are no longer applicable."

Contract
practices.
42 U.S.C.
sec. 2205.

"SEC. 165. CONTRACT PRACTICES.—

"a. In carrying out the purposes of this Act the Commission shall not use the cost-plus-percentage-of-cost system of contracting.

60 Stat. 755.

"b. No contract entered into under the authority of this Act shall provide, and no contract entered into under the authority of the Atomic Energy Act of 1946, as amended, shall be modified or amended after the date of enactment of this Act to provide, for direct payment or direct reimbursement by the Commission of any Federal income taxes on behalf of any contractor performing such contract for profit.

Comptroller
General
audit.

42 U.S.C.
sec. 2206.

"SEC. 166. COMPTROLLER GENERAL AUDIT.—No moneys appropriated for the purposes of this Act shall be available for payments under any contract with the Commission, negotiated without advertising, except contracts with any foreign government or any agency thereof and contracts with foreign producers, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts: *Provided, however,* That no moneys so appropriated shall be available for payment under such contract which includes any provision precluding an audit by the General Accounting Office of any transaction under such contract: *And provided further,* That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Commission and the General Accounting Office.¹³⁰

42 U.S.C.
sec. 2207.

"SEC. 167. CLAIMS SETTLEMENTS.—The Commission, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of any program undertaken by the Commission involving the detonation of an explosive device, where such claim is presented to the Commission in writing within one year after the accident or incident out of which the claim arises: *Provided, however,* That the damage to or loss of property, or bodily injury or death, shall not have been caused in whole or in part by any negligence or

¹³⁰ Public Law 85-681 (72 Stat. 632) (1958), sec. 8, amended sec. 166 by adding the second proviso clause.

wrongful act on the part of the claimant, his agents, or employees. Any such settlement under the authority of this section shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary. If the Commission considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this section, the Commission may report the facts and circumstances thereof to the Congress for its consideration.¹³¹

"SEC. 168. PAYMENTS IN LIEU OF TAXES.—In order to render financial assistance to those States and localities in which the activities of the Commission are carried on, and in which the Commission has acquired property previously subject to State and local taxation, the Commission is authorized to make payments to State and local governments in lieu of property taxes. Such payments may be in the amounts, at the times, and upon the terms the Commission deems appropriate, but the Commission shall be guided by the policy of not making payments in excess of the taxes which would have been payable for such property in the condition in which it was acquired, except in cases where special burdens have been cast upon the State or local government by activities of the Commission, the Manhattan Engineer District or their agents. In any such case, any benefit accruing to the State or local government by reason of such activities shall be considered in determining the amount of the payment.

Payments in
lieu of taxes.
42 U.S.C.
sec. 2208.

"SEC. 169. NO SUBSIDY.—No funds of the Commission shall be employed in the construction or operation of facilities licensed under section 103 or 104 except under contract or other arrangement entered into pursuant to section 31.

No subsidy.
42 U.S.C.
sec. 2209.

"SEC. 170. INDEMNIFICATION AND LIMITATION OF LIABILITY.—¹³²

"a. Each license issued under section 103 or 104 and each construction permit issued under section 185 shall, and each license issued under section 53, 63, or 81 may, for the public purposes cited in subsection 2i. of the Atomic Energy Act of 1954, as amended, have as a condition of the license a requirement that the licensee have

42 U.S.C.
sec. 2210.

¹³¹ Public Law 87-206 (75 Stat. 474) (1961), sec. 14, amended sec. 167. Prior to amendment this section read as follows:

"SEC. 167. CLAIM SETTLEMENTS.—The Commission, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of the Commission's program for testing atomic weapons, where such claim is presented to the Commission in writing within one year after the accident or incident out of which the claim arises: *Provided, however*, That the damage to or loss of property, or bodily injury or death, shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agents, or employees. Any such settlement under the authority of this section shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary."

¹³² Public Law 85-256 (71 Stat. 576) (1957), sec. 4, added sec. 170.

Indemnifica-
tion agree-
ment.

Waiver.

Liability
insurance

and maintain financial protection of such type and in such amounts as the Commission in the exercise of its licensing and regulatory authority and responsibility shall require in accordance with subsection 170 b. to cover public liability claims. Whenever such financial protection is required, it may be a further condition of the license that the licensee execute and maintain an indemnification agreement in accordance with subsection 170 c. The Commission may require, as a further condition of issuing a license, that an applicant waive any immunity from public liability conferred by Federal or State law.¹³³

"b. The amount of financial protection required shall be the amount of liability insurance available from private sources, except that the Commission may establish a lesser amount on the basis of criteria set forth in writing, which it may revise from time to time, taking into consideration such factors as the following: (1) the cost and terms of private insurance, (2) the type, size, and location of the licensed activity and other factors pertaining to the hazard, and (3) the nature and purpose of the licensed activity: *Provided*, That for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the amount of financial protection required shall be the maximum amount available at reasonable cost and on reasonable terms from private sources. Such financial protection may include private insurance, private contractual indemnities, self insurance, other proof of financial responsibility, or a combination of such measures and shall be subject to such terms and conditions as the Commission may, by rule, regulation, or order, prescribe. In prescribing such terms and conditions for licensees required to have and maintain financial protection equal to the maximum amount of liability insurance available from private sources, the Commission shall, by rule initially prescribed not later than twelve months from the date of enactment of this Act, include, in determining such maximum amount, private liability insurance available under an industry retrospective rating plan providing for premium charges deferred in whole or major part until public liability from a nuclear incident exceeds or appears likely to exceed the level of the primary financial protection required of the licensee involved in the nuclear incident: *Provided*, That such

¹³³ Public Law 94-197 (89 Stat. 1111) (1975), sec. 2, amended subsection 170 a. Prior to amendment, subsection 170 a. read as follows:

"a. Each license issued under section 103 or 104 and each construction permit issued under section 185 shall, and each license issued under section 53, 63, or 81 may, have as a condition of the license a requirement that the licensee have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with subsection 170 b. to cover public liability claims. Whenever such financial protection is required, it shall be a further condition of the license that the licensee execute and maintain an indemnification agreement in accordance with subsection 170 c. The Commission may require, as a further condition of issuing a license, that an applicant waive any immunity from public liability conferred by Federal or State law."

insurance is available to, and required of, all of the licensees of such facilities without regard to the manner in which they obtain other types or amounts of such financial protection: *And provided further*, That the standard deferred premium which may be charged following any nuclear incident under such a plan shall be not less than \$2,000,000 nor more than \$5,000,000 for each facility required to maintain the maximum amount of financial protection: *And provided further*, That the amount which may be charged a licensee following any nuclear incident shall not exceed the licensee's pro rata share of the aggregate public liability claims and costs arising out of the nuclear incident. Payment of any State premium taxes which may be applicable to any deferred premium provided for in this Act shall be the responsibility of the licensee and shall not be included in the retrospective premium established by the Commission. The Commission is authorized to establish a maximum amount which the aggregate deferred premiums charged for each facility within one calendar year may not exceed. The Commission may establish amounts less than the standard premium for individual facilities taking into account such factors as the facility's size, location, and other factors pertaining to the hazard. The Commission shall establish such requirements as are necessary to assure availability of funds to meet any assessment of deferred premiums within a reasonable time when due, and may provide reinsurance or shall otherwise guarantee the payment of such premiums in the event it appears that the amount of such premiums will not be available on a timely basis through the resources of private industry and insurance. Any agreement by the Commission with a licensee or indemnitor to guarantee the payment of deferred premiums may contain such terms as the Commission deems appropriate to carry out the purposes of this section and to assure reimbursement to the Commission for its payments made due to the failure of such licensee or indemnitor to meet any of its obligations arising under or in connection with financial protection required under this subsection including without limitation terms creating liens upon the licensed facility and the revenues derived therefrom or any other property or revenues of such licensee to secure such reimbursement and consent to the automatic revocation of any license.¹³⁴

¹³⁴ Public Law 94-197 (89 Stat. 1111) (1975), sec. 3, amended subsection 170 b. Prior to amendment, subsection 170 b. read as follows:

"b. The amount of financial protection required shall be the amount of liability insurance available from private sources, except that the Commission may establish a lesser amount on the basis of criteria set forth in writing, which it may revise from time to time, taking into consideration such factors as the following: (1) the cost and terms of private insurance, (2) the type, size, and location of the licensed activity and other factors pertaining to the hazard, and (3) the nature and purpose of the licensed activity: *Provided*, That for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the amount of financial protection required shall be the maximum amount available from private sources. Such financial protection may include private insurance, private contractual indemnities, self insurance, other proof of financial responsibility, or a combination of such measures."

Aggregate
indemnity.

"c. The Commission shall, with respect to licenses issued between August 30, 1954, and August 1, 1987, for which it requires financial protection of less than \$560,000,000, agree to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability arising from nuclear incidents which is in excess of the level of financial protection required of the licensee. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed \$500,000,000 excluding costs of investigating and settling claims and defending suits for damage: *Provided, however,* That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed \$60,000,000. Such a contract of indemnification shall cover public liability arising out of or in connection with the licensed activity. With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1987, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1987.¹³⁵

Indemnification
agreements.

"d. In addition to any other authority the Commission may have, the Commission is authorized until August 1, 1987, to enter into agreements of indemnification with its contractors for the construction or operation of production or utilization facilities or other activities under contracts for the benefit of the United States involving activities under the risk of public liability for a substantial nuclear incident. In such agreements of indemnification the Commission may require its contractor to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the

¹³⁵ Public Law 94-197 (89 Stat. 1111) (1975), sec. 5 (a) and (b), amended subsection 170 c. by adding the phrase "of less than \$560,000,000," by substituting the word "excluding" for the words "including the reasonable," and by substituting the date "August 1, 1987" for the date "August 1, 1977" wherever it appeared.

Public Law 89-210 (79 Stat. 855) (1965), sec. 1, had previously amended subsec. 170 c. Prior to amendment this subsection read as follows:

"c. The Commission shall, with respect to licenses issued between August 30, 1954, and August 1, 1967, for which it requires financial protection, agree to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability arising from nuclear incidents which is in excess of the level of financial protection required of the licensee. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed \$500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage. Such a contract of indemnification shall cover public liability arising out of or in connection with the licensed activity. With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1967, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1967."

Public Law 88-394 (78 Stat. 376) (1964), sec. 2, had previously amended subsec. 170 c. by adding the last sentence.

amount of \$500,000,000, excluding costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indemnified in connection with such contract and for each nuclear incident: *Provided*, That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed \$60,000,000: *Provided further*, That in the case of nuclear incidents occurring outside the United States, the amount of the indemnity provided by the Commission shall not exceed \$100,000,000.¹³⁶ The provisions of this subsection may be applicable to lump sum as well as cost type contracts and to contracts and projects financed in whole or in part by the Commission. A contractor with whom an agreement of indemnification has been executed and who is engaged in activities connected with the underground detonation of a nuclear explosive device shall be liable, to the extent so indemnified under this section, for injuries or damage sustained as a result of such detonation in the same manner and to the same extent as would a private person acting as principal, and no immunity or defense founded in the Federal, State, or municipal character of the contractor or of the work to be performed under the contract shall be effective to bar such liability.¹³⁷

Contracts.

"e. The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damage, shall not exceed (1) the sum of \$500,000,000 together with the amount of financial protection required of the licensee or contractor or (2) if the amount of financial protection required of the licensee exceeds \$60,000,000, such aggregate liability shall not exceed the

Aggregate liabilities.

¹³⁶ Public Law 94-197 (89 Stat. 1111) (1975), sec. 5 (a) and (b), amended subsection 170 d. by substituting the date "August 1, 1987" for the date "August 1, 1977", and by substituting the word "excluding" for the words "including the reasonable".

Public Law 89-210 (79 Stat. 855) (1965), sec. 2, had previously amended the first two sentences of subsec. 170 d. Prior to amendment these sentences read as follows:

"d. In addition to any other authority the Commission may have, the Commission is authorized until August 1, 1967, to enter into agreements of indemnification with its contractors for the construction or operation of production or utilization facilities or other activities under contracts for the benefit of the United States involving activities under the risk of public liability for a substantial nuclear incident. In such agreements of indemnification the Commission may require its contractor to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of \$500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indemnified in connection with such contract and for each nuclear incident: *Provided*, That in the case of nuclear incidents occurring outside the United States, the amount of the indemnity provided by the Commission shall not exceed \$100,000,000."

Public Law 87-615 (76 Stat. 409) (1962), sec. 6, had previously amended the second sentence of subsec. 170 d. by adding the proviso providing that in the case of incidents occurring outside the United States, the amount of indemnity provided by the Commission shall not exceed \$100 million.

¹³⁷ Public Law 87-206 (75 Stat. 475) (1961), sec. 15, added the last sentence of subsec. 170 d.

sum of \$560,000,000 or the amount of financial protection required of the licensee, whichever amount is greater: *Provided*, That in the event of a nuclear incident involving damages in excess of that amount of aggregate liability, the Congress will thoroughly review the particular incident and will take whatever action is deemed necessary and appropriate to protect the public from the consequences of a disaster of such magnitude: *And provided further*, That with respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection 170 d. is applicable, such aggregate liability shall not exceed the amount of \$100,000,000 together with the amount of financial protection required of the contractor.¹³⁸

¹³⁸ Subsection e. originally read as follows: "e. The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damage, shall not exceed the sum of \$500,000,000 together with the amount of financial protection required of the licensee or contractor. The Commission or any person indemnified may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the nuclear incident, and upon a showing that the public liability from a single nuclear incident will probably exceed the limit of liability imposed by this section, shall be entitled to such orders as may be appropriate for enforcement of the provisions of this section, including an order limiting the liability of the persons indemnified, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, orders permitting partial payments to be made before final determination of the total claims, and an order setting aside a part of the funds available for possible latent injuries not discovered until a later time."

Public Law 85-602 (72 Stat. 525) (1953), sec. 2, deleted the second sentence in the original subsection and substituted the following: "The Commission or any person indemnified may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the nuclear incident, except that in the case of nuclear incidents caused by ships of the United States outside of the United States, the Commission or any person indemnified may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the principal place of business of the shipping company owning or operating the ship, and upon a showing that the public liability from a single nuclear incident will probably exceed the limit of liability imposed by this section, shall be entitled to such orders as may be appropriate for enforcement of the provisions of this section, including an order limiting the liability of the persons indemnified, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, orders permitting partial payments to be made before final determination of the total claims, and an order setting aside a part of the funds available for possible latent injuries not discovered until a later time."

Public Law 87-615 (76 Stat. 409) (1962), sec. 7, amended the subsection to read:

"e. The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damage, shall not exceed the sum of \$500,000,000 together with the amount of financial protection required of the licensee or contractor: *Provided, however*, That with respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection 170 d. is applicable, such aggregate liability shall not exceed the amount of \$100,000,000 together with the amount of financial protection required of the contractor. The Commission or any person indemnified may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the nuclear incident, except that in the case of nuclear incidents occurring outside the United States, the Commission or any person indemnified may apply to the United States District Court for the District of Columbia, and upon a showing that the public liability from a single nuclear incident will probably exceed the limit of liability imposed by this section, shall be entitled to such orders as may be appropriate for enforcement of the provisions of this section, including an order limiting the liability of the persons indemnified, orders staying the payment of claims and the execution of court judgments, orders appor-

(Continued)

"f. The Commission is authorized to collect a fee from all persons with whom an indemnification agreement is executed under this section. This fee shall be \$30 per year per thousand kilowatts of thermal energy capacity for facilities licensed under section 103: *Provided*, That the Commission is authorized to reduce the fee for such facilities in reasonable relation to increases in financial protection required above a level of \$60,000,000. For facilities licensed under section 104, and for construction permits under section 185, the Commission is authorized to reduce the fee set forth above. The Commission shall establish criteria in writing for determination of the fee for facilities licensed under section 104, taking into consideration such factors as (1) the type, size, and location of facility involved, and other factors pertaining to the hazard, and (2) the nature and purpose of the facility. For other licenses, the Commission shall collect such nominal fees as it deems appropriate. No fee under this subsection shall be less than \$100 per year.¹³⁹

"g. In administering the provisions of this section, the Commission shall use, to the maximum extent practicable, the facilities and services of private insurance organizations, and the Commission may contract to pay a reasonable compensation for such services. Any contract made under the provisions of this subsection may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon a showing by the Commission that advertising is not reasonably practicable and advance payments may be made.

Private
insurance
organizations.
Use of services.

41 U.S.C. 252
(c) (See 41
U.S.C. 260(b)).

"h. The agreement of indemnification may contain such terms as the Commission deems appropriate to carry out the purposes of this section. Such agreement shall provide that, when the Commission makes a determination that the United States will probably be required to make indemnity payments under this section, the Commission shall collaborate with any person indemnified and may

Terms of
settlement.

(Continued)

tioning the payments to be made to claimants, orders permitting partial payments to be made before final determination of the total claims, and an order setting aside a part of the funds available for possible latent injuries not discovered until a later time."

Public Law 89-210 (79 Stat. 855) (1965), sec. 3, amended, the first sentence by adding the first proviso relating to the limitation of aggregate liability.

Public Law 89-645 (80 Stat. 891) (1966), sec. 2, amended the subsection by deleting the last sentence thereof.

Public Law 94-197 (89 Stat. 1111) (1975), Sec. 6, amended subsection 170 e. Prior to this amendment, subsection 170 e. read as follows:

"e. The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damage, shall not exceed the sum of \$500,000,000 together with the amount of financial protection required of the licensee or contractor: *Provided, however*, That such aggregate liability shall in no event exceed the sum of \$560,000,000: *Provided further*, That with respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection 170 d. is applicable, such aggregate liability shall not exceed the amount of \$100,000,000 together with the amount of financial protection required of the contractor."

¹³⁹ Public Law 94-197 (89 Stat. 1111) (1975), sec. 7, amended subsection 170 f. by adding the proviso to the second sentence.

approve the payment of any claim under the agreement of indemnification, appear through the Attorney General on behalf of the person indemnified, take charge of such action, and settle or defend any such action. The Commission shall have final authority on behalf of the United States to settle or approve the settlement of any such claim on a fair and reasonable basis with due regard for the purposes of this Act. Such settlement shall not include expenses in connection with the claim incurred by the person indemnified.¹⁴⁰

Survey of
causes.

Report to
Congress.

"i. After any nuclear incident which will probably require payments by the United States under this section or which will probably result in public liability claims in excess of \$560,000,000, the Commission shall make a survey of the causes and extent of damage which shall forthwith be reported to the Joint Committee, to the Congressmen of the affected districts, and to the Senators of the affected States, and, except for information which would cause serious damage to the national defense of the United States, all final findings shall be made available to the public, to the parties involved and to the courts. The Commission shall report to the Joint Committee by April 1, 1958, and every year thereafter on the operations under this section.¹⁴¹

Contracts in
advance of
appropriations.
31 U.S.C. 665.

"j. In administering the provisions of this section, the Commission may make contracts in advance of appropriations and incur obligations without regard to section 3679 of the Revised Statutes, as amended.

Educational
activities.

"k. With respect to any license issued pursuant to section 53, 63, 81, 104a., or 104c. for the conduct of educational activities to a person found by the Commission to be a nonprofit educational institution, the Commission shall exempt such licensee from the financial protection requirement of subsection 170a. With respect to licenses issued between August 30, 1954, and August 1, 1987, for which the Commission grants such exemption:

"(1) the Commission shall agree to indemnify and hold harmless the licensee and other persons indemnified, as their interests may appear, from public liability in excess of \$250,000 arising from nuclear incidents. The aggregate indemnity for all persons indemnified in connection with each nuclear incident

¹⁴⁰ Public Law 94-197 (89 Stat. 1111) (1975), sec. 8, amended subsection 170 h. by substituting the words "shall not include" for the words "may include reasonable" in the last sentence of the subsection.

¹⁴¹ Public Law 94-197 (89 Stat. 1111) (1975), sec. 9, amended subsection 170 i. Prior to amendment, subsection 170 i. read as follows:

"i. After any nuclear incident which will probably require payments by the United States under this section, the Commission shall make a survey of the causes and extent of damage which shall forthwith be reported to the Joint Committee, and, except as forbidden by the provisions of chapter 12 of this Act or any other law or Executive order, all final findings shall be made available to the public, to the parties involved and to the courts. The Commission shall report to the Joint Committee by April 1, 1958, and every year thereafter on the operations under this section."

shall not exceed \$500,000,000, excluding cost of investigating and settling claims and defending suits for damage;

“(2) such contracts of indemnification shall cover public liability arising out of or in connection with the licensed activity; and shall include damage to property of persons indemnified, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs; and

“(3) such contracts of indemnification, when entered into with a licensee having immunity from public liability because it is a State agency, shall provide also that the Commission shall make payments under the contract on account of activities of the licensee in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a State agency.

Any licensee may waive an exemption to which it is entitled under this subsection. With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1987, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1987.¹⁴²

“1. The Commission is authorized until August 1, 1977, to enter into an agreement of indemnification with any person engaged in the design, development, construction, operation, repair, and maintenance or use of the nuclear-powered ship authorized by section 716 of the Merchant Marine Act, 1936, and designated the ‘nuclear ship Savannah’. In any such agreement of indemnification the Commission may require such person to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising from a nuclear incident in connection with such design, development, construction, operation, repair, maintenance or use and shall indemnify the person indemnified against such claims above the amount of the financial protection required, in the amount of \$500,000,000 excluding costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indemnified in connection with each nuclear incident: *Provided*, That

Indemnification
agreements for
NS Savannah.

70 Stat. 731.
46 U.S.C. 1206.

¹⁴² Public Law 85-744 (72 Stat. 837) (1958), amended sec. 170 by adding new subsec. k. Public Law 88-394 (78 Stat. 376) (1964), sec. 3, amended subsec. 170k. by adding the last sentence. Public Law 89-210 (79 Stat. 855) (1965), sec. 4, amended subsec. 170k. by amending the date “August 1, 1967” wherever it appeared to “August 1, 1977”. Public Law 94-197 (89 Stat. 1111) (1975). Sec. 10, amended subsection 170 k. by substituting the date “August 1, 1987” for the date “August 1, 1977” wherever it appeared and by substituting the word “excluding” for the words “including the reasonable”.

this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed \$60,000,000.¹⁴³

Emergency
assistance
payments.

"m. The Commission is authorized to enter into agreements with other indemnitors to establish coordinated procedures for the prompt handling, investigation, and settlement of claims for public liability. The Commission and other indemnitors may make payments to, or for the aid of, claimants for the purpose of providing immediate assistance following a nuclear incident. Any funds appropriated to the Commission shall be available for such payments. Such payments may be made without securing releases, shall not constitute an admission of the liability of any person indemnified or of any indemnitor, and shall operate as a satisfaction to the extent thereof of any final settlement or judgment.¹⁴⁴

Waiver of
defenses.

"n. (1) With respect to any extraordinary nuclear occurrence to which an insurance policy or contract furnished as proof of financial protection or an indemnity agreement applies and which—

"(a) arises out of or results from or occurs in the course of the construction, possession, or operation of a production or utilization facility, or

"(b) arises out of or results from or occurs in the course of transportation of source material, by-product material, or special nuclear material to or from a production or utilization facility, or

"(c) during the course of the contract activity arises out of or results from the possession, operation, or use by a Commission contractor or subcontractor of a device utilizing special nuclear material or by-product material,

the Commission may incorporate provisions in indemnity agreements with licensees and contractors under this section, and may require provisions to be incorporated in insurance policies or contracts furnished as proof of

¹⁴³ Public Law 85-602 (72 Stat. 525) (1958), sec. 2, amended sec. 170 by adding new subsection l.

Public Law 89-210 (79 Stat. 855) (1965), sec. 5, amended subsec. 170 l. Prior to amendment this subsection read as follows:

"l. The Commission is authorized until August 1, 1967, to enter into an agreement of indemnification with any person engaged in the design, development, construction, operation, repair, and maintenance or use of the nuclear-powered ship authorized by section 716 of the Merchant Marine Act, 1936, and designated the 'nuclear ship Savannah'. In any such agreement of indemnification the Commission may require such person to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising from a nuclear incident in connection with such design, development, construction, operation, repair, maintenance or use and shall indemnify the person indemnified against such claims above the amount of the financial protection required, in the maximum amount provided by subsection e, including the reasonable costs of investigating and settling claims and defending suits for damage."

Public Law 94-197 (89 Stat. 1111) (1975), Sec. 11, amended subsection 170 l. by substituting the word "excluding" for the words "including the reasonable".

¹⁴⁴ Public Law 89-645 (80 Stat. 891) (1966), sec. 3, amended sec. 170 by adding new subsection m.

financial protection, which waive (i) any issue or defense as to conduct of the claimant or fault of persons indemnified, (ii) any issue or defense as to charitable or governmental immunity, and (iii) any issue or defense based on any statute of limitations if suit is instituted within three years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof, but in no event more than twenty years after the date of the nuclear incident. The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. When so incorporated, such waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified. Such waivers shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages, nor shall such waivers apply to injury or damage to a claimant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant. The waivers authorized in this subsection shall, as to indemnitors, be effective only with respect to those obligations set forth in the insurance policies or the contracts furnished as proof of financial protection and in the indemnity agreements. Such waivers shall not apply to, or prejudice the prosecution or defense of, any claim or portion of claim which is not within the protection afforded under (i) the terms of insurance policies or contracts furnished as proof of financial protection, or indemnity agreements, and (ii) the limit of liability provisions of subsection 170 e.

“(2) With respect to any public liability action arising out of or resulting from an extraordinary nuclear occurrence, the United States district court in the district where the extraordinary nuclear occurrence takes place, or in the case of an extraordinary nuclear occurrence taking place outside the United States, the United States District Court for the District of Columbia, shall have original jurisdiction without regard to the citizenship of any party or the amount in controversy. Upon motion of the defendant or of the Commission, any such action pending in any State court or United States district court shall be removed or transferred to the United States district court having venue under this subsection. Process of such district court shall be effective throughout the United States.¹⁴⁵

76 Stat. 410.
42 U.S. 2210.

¹⁴⁵ Public Law 89-645 (80 Stat. 891) (1966), sec. 3, amended sec. 170 by adding new subsection n.

Public Law 94-197 (89 Stat. 1111) (1975), Sec. 12, amended subsection 170 n. (1)(iii) by substituting the word “twenty” for the word “ten”.

Allocation of
funds.

"o. Whenever the United States district court in the district where a nuclear incident occurs, or the United States District Court for the District of Columbia in case of a nuclear incident occurring outside the United States, determines upon the petition of any indemnitor or other interested person that public liability from a single nuclear incident may exceed the limit of liability under subsection 170 e.:

76 Stat. 410.
42 U.S.C. 2210.

"(1) Total payments made by or for all indemnitors as a result of such nuclear incident shall not exceed 15 per centum of such limit of liability without the prior approval of such court;

"(2) The court shall not authorize payments in excess of 15 per centum of such limit of liability unless the court determines that such payments are or will be in accordance with a plan of distribution which has been approved by the court or such payments are not likely to prejudice the subsequent adoption and implementation by the court of a plan of distribution pursuant to subparagraph (3) of this subsection (o); and

"(3) The Commission shall, and any other indemnitor or other interested person may, submit to such district court a plan for the disposition of pending claims and for the distribution of remaining funds available. Such a plan shall include an allocation of appropriate amounts for personal injury claims, property damage claims, and possible latent injury claims which may not be discovered until a later time and shall include establishment of priorities between claimants and classes of claims, as necessary to insure the most equitable allocation of available funds. Such court shall have all power necessary to approve, disapprove, or modify plans proposed, or to adopt another plan; and to determine the proportionate share of funds available for each claimant. The Commission, any other indemnitor, and any person indemnified shall be entitled to such orders as may be appropriate to implement and enforce the provisions of this section, including orders limiting the liability of the persons indemnified, orders approving or modifying the plan, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, and orders permitting partial payments to be made before final determination of the total claims. The orders of such court shall be effective throughout the United States.

"(4) the Commission shall, within ninety days after a court shall have made such determination,

deliver to the Joint Committee a supplement to the report prepared in accordance with subsection 170 i. of this Act setting forth the estimated requirements for full compensation and relief of all claimants, and recommendations as to the relief to be provided.¹⁴⁶

"p. The Commission shall submit to the Congress by August 1, 1983, a detailed report concerning the need for continuation or modification of the provisions of this section, taking into account the condition of the nuclear industry, availability of private insurance, and the state of knowledge concerning nuclear safety at that time, among other relevant factors, and shall include recommendations as to the repeal or modification of any of the provisions of this section.¹⁴⁷

"SEC. 170A. CONFLICTS OF INTEREST RELATING TO CONTRACTS AND OTHER ARRANGEMENTS.—

"a. The Commission shall, by rule, require any person proposing to enter into a contract, agreement, or other arrangement, whether by competitive bid or negotiation, under this Act or any other law administered by it for the conduct of research, development, evaluation activities, or for technical and management support services, to provide the Commission, prior to entering into any such contract, agreement, or arrangement, with all relevant information, as determined by the Commission, bearing on whether that person has a possible conflict of interest with respect to—

"(1) being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons, or

"(2) being given an unfair competitive advantage. Such person shall insure, in accordance with regulations prescribed by the Commission, compliance with this section by any subcontractor (other than a supply subcontractor) of such person in the case of any subcontract for more than \$10,000.

"b. The Commission shall not enter into any such contract agreement or arrangement unless it finds, after evaluating all information provided under subsection a. and any other information otherwise available to the Commission that—

"(1) it is unlikely that a conflict of interest would exist, or

"(2) such conflict has been avoided after appropriate conditions have been included in such contract,

Just compensation.

42 U.S.C.
sec. 2221.

¹⁴⁶ Public Law 89-645 (80 Stat. 891) (1966), sec. 3, amended sec. 170 by adding new subsection o. Public Law 94-197 (89 Stat. 1111) (1975) Sec., 13, amended subsection 170 o. by adding new subparagraph (4) and by adding the following language to the second sentence of subparagraph (3): "and shall include establishment of priorities between claimants and classes of claims, as necessary to insure the most equitable allocation of available funds."

¹⁴⁷ Public Law 94-197 (89 Stat. 1111) (1975), sec. 14, added a new subsection 170 p.

agreement, or arrangement; except that if the Commission determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Commission may enter into such contract, agreement, or arrangement, if the Commission determines that it is in the best interests of the United States to do so and includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

Publication.

"c. The Commission shall publish rules for the implementation of this section, in accordance with section 553 of title 5, United States Code (without regard to subsection (a) (2) thereof) as soon as practicable after the date of the enactment of this section, but in no event later than 120 days after such date.¹⁴⁸

"CHAPTER 15. COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

Just compensation.

42 U.S.C.

"SEC. 171. JUST COMPENSATION.—The United States shall make just compensation for any property or interests therein taken or requisitioned pursuant to sections 43,¹⁴⁹ 55,¹⁵⁰ 66, and 108. Except in case of real property or any interest therein, the Commission shall determine and pay such just compensation. If the compensation so determined is unsatisfactory to the person entitled thereto, such person shall be paid 75 per centum of the amount so determined, and shall be entitled to sue the United States in the Court of Claims, or in any district court of the United States for the district in which such claimant is a resident in the manner provided by section 1346 of Title 28 of the United States Code to recover such further sum as added to said 75 per centum will constitute just compensation.

62 Stat. 933.

Condemnation of real property.
42 U.S.C. sec. 2222.
62 Stat. 937, 986; 46 Stat. 1421.
40 U.S.C. 257, 258a-258e.
Patent application disclosures.
42 U.S.C. sec. 2223.

"SEC. 172. CONDEMNATION OF REAL PROPERTY.—Proceedings for condemnation shall be instituted pursuant to the provisions of the Act approved August 1, 1888, as amended, and section 1403 of Title 28 of the United States Code. The Act approved February 26, 1931, as amended, shall be applicable to any such proceedings.

"SEC. 173. PATENT APPLICATION DISCLOSURES.—In the event that the Commission communicates to any nation any Restricted Data based on any patent application not belonging to the United States, just compensation shall be paid by the United States to the owner of the patent application. The Commission shall determine such compensation. If the compensation so determined is unsatis-

¹⁴⁸ Public Law 95-601 (92 Stat. 2950) (1978), sec. 8(a) added a new sec. 170A.

¹⁴⁹ Public Law 88-489 (78 Stat. 602) (1964), sec. 17, deleted the phrase "52 (with respect to the material for which the United States is required to pay just compensation)," after "43."

¹⁵⁰ Public Law 88-489 (78 Stat. 602) (1964), sec. 17, added "55".

factory to the person entitled thereto, such person shall be paid 75 per centum of the amount so determined, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States for the district in which such claimant is a resident in a manner provided by section 1346 of Title 28 of the United States Code to recover such further sum as added to such 75 per centum will constitute just compensation.

"SEC. 174. ATTORNEY GENERAL APPROVAL OF TITLE.—All real property acquired under this Act shall be subject to the provisions of section 355 of the Revised Statutes, as amended: *Provided, however,* That real property acquired by purchase or donation, or other means of transfer may also be occupied, used, and improved for the purposes of this Act prior to approval of title by the Attorney General in those cases where the President determines that such action is required in the interest of the common defense and security.

62 Stat. 933.

Attorney General approval of title.
42 U.S.C.
sec. 2224.

40 U.S.C. 255.

"CHAPTER 16. JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

"SEC. 181. GENERAL.—The provisions of the Administrative Procedure Act (Public Law 404, Seventy-ninth Congress, approved June 11, 1946) shall apply to all agency action taken under this Act, and the terms 'agency' and 'agency action' shall have the meaning specified in the Administration Procedure Act: *Provided, however,* That in the case of agency proceedings or actions which involve Restricted Data or defense information, the Commission shall provide by regulation for such parallel procedures as will effectively safeguard and prevent disclosure of Restricted Data or defense information to unauthorized persons with minimum impairment of the procedural rights which would be available if Restricted Data or defense information were not involved.

General.

80 Stat. 381-
388, 5 U.S.C.
551-559.
42 U.S.C.
sec. 2231.

"SEC. 182. LICENSE APPLICATIONS.—

"a. Each application for a license hereunder shall be in writing and shall specifically state such information as the Commission, by rule or regulation, may determine to be necessary to decide such of the technical and financial qualifications of the applicant, the character of the applicant, the citizenship of the applicant, or any other qualifications of the applicant as the Commission may deem appropriate for the license. In connection with applications for licenses to operate production or utilization facilities, the applicant shall state such technical specifications, including information of the amount, kind, and source of special nuclear material required, the place of the use, the specific characteristics of the facility, and

License applications
42 U.S.C.
sec. 2232.

such other information as the Commission may, by rule or regulation, deem necessary in order to enable it to find that the utilization or production of special nuclear material will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. Such technical specifications shall be a part of any license issued. The Commission may at any time after the filing of the original application, and before the expiration of the license, require further written statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee. Applications for, and statements made in connection with, licenses under sections 103 and 104 shall be made under oath or affirmation. The Commission may require any other applications or statements to be made under oath or affirmation.¹⁵¹

ACRS Report.

"b. The Advisory Committee on Reactor Safeguards shall review each application under section 103 or section 104 b. for a construction permit or an operating license for a facility, any application under section 104 c. for a construction permit or an operating license for a testing facility, any application under section 104 a. or c. specifically referred to it by the Commission, and any application for an amendment to a construction permit or an amendment to an operating license under section 103 or 104 a., b., or c. specifically referred to it by the Commission, and shall submit a report thereon which shall be made part of the record of the application and available to the public except to the extent that security classification prevents disclosure."¹⁵²

Commercial power.

"c. The Commission shall not issue any license under section 103 for a utilization or production facility for the generation of commercial power until it has given notice in writing to such regulatory agency as may have jurisdiction over the rates and services incident to the proposed activity; until it has published notice of the application in such trade or news publications as the Commission deems appropriate to give reasonable notice to

¹⁵¹ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 5, amended the third from last sentence of subsec. 182 a. and added the present last two sentences. Before amendment the third from last sentence read: "All applications and statements shall be signed by the applicant or licensee under oath or affirmation."

¹⁵² Public Law 85-256 (71 Stat. 576) (1957), sec. 6, added subsec. b. and relettered former subsecs. b. and c. as subsecs. c. and d. Public Law 87-615 (76 Stat. 409) (1962), sec. 3, amended subsec. b. Before amendment, it read: "b. The Advisory Committee on Reactor Safeguards shall review each application under section 103 or 104 b. for a license for a facility, any application under section 104 c. for a testing facility, and any application under section 104 a. or c. specifically referred to it by the Commission, and shall submit a report thereon, which shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure."

municipalities, private utilities, public bodies, and co-operatives which might have a potential interest in such utilization or production facility; and until it has published notice of such application once each week for four consecutive weeks in the Federal Register, and until four weeks after the last notice.¹⁵³

"d. The Commission, in issuing any license for a utilization or production facility for the generation of commercial power under section 103, shall give preferred consideration to applications for such facilities which will be located in high cost power areas in the United States if there are conflicting applications for a limited opportunity for such license. Where such conflicting applications resulting from limited opportunity for such license include those submitted by public or cooperative bodies such applications shall be given preferred consideration.

SEC. 183. TERMS OF LICENSES.—Each license shall be in such form and contain such terms and conditions as the Commission may, by rule or regulation, prescribe to effectuate the provisions of this Act, including the following provisions:

"b.¹⁵⁴ No right to the special nuclear material shall be conferred by the license except as defined by the license.

"c. Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of this Act.

"d. Every license issued under this Act shall be subject to the right of recapture or control reserved by section 108, and to all of the other provisions of this Act, now or hereafter in effect and to all valid rules and regulations of the Commission.

"SEC. 184. INALIENABILITY OF LICENSES.—No license granted hereunder and no right to utilize or produce special nuclear material granted hereby shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the pro-

Terms of
licenses.
42 U.S.C.
sec. 2233.

Inalienability
of licenses.
42 U.S.C.
sec. 2234.

¹⁵³ Public Law 91-560 (84 Stat. 1472) (1970), sec. 9, amended subsec. 182 c. Before amendment it read as follows:

"c. The Commission shall not issue any license for a utilization or production facility for the generation of commercial power under section 103, until it has given notice in writing to such regulatory agency as may have jurisdiction over the rates and services of the proposed activity, to municipalities, private utilities, public bodies, and cooperatives within transmission distance authorized to engage in the distribution of electric energy and until it has published notice of such application once each week for four consecutive weeks in the Federal Register, and until four weeks after the last notice."

¹⁵⁴ Public Law 88-489 (78 Stat. 602) (1964), sec. 18, deleted subsec. 183 a. Subsec. a. read as follows:

"a. Title to all special nuclear material utilized or produced by facilities pursuant to the license, shall at all times be in the United States."

visions of this Act, and shall give its consent in writing. The Commission may give such consent to the creation of a mortgage, pledge, or other lien upon any facility or special nuclear material,¹⁵⁵ owned or thereafter acquired by a licensee, or upon any leasehold or other interest in such facility,¹⁵⁶ and the rights of the creditors so secured may thereafter be enforced by any court subject to rules and regulations established by the Commission to protect public health and safety and promote the common defense and security.

Construction
permits,
42 U.S.C.
sec. 2235.

"SEC. 185. CONSTRUCTION PERMITS.—All applicants for licenses to construct or modify production or utilization facilities shall, if the application is otherwise acceptable to the Commission, be initially granted a construction permit. The construction permit shall state the earliest and latest dates for the completion of the construction or modification. Unless the construction or modification of the facility is completed by the completion date, the construction permit shall expire, and all rights thereunder be forfeited, unless upon good cause shown, the Commission extends the completion date. Upon the completion of the construction or modification of the facility, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of this Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of this Act, the Commission shall thereupon issue a license to the applicant. For all other purposes of this Act, a construction permit is deemed to be a 'license'.

Revocation.
42 U.S.C.
sec. 2236.

"SEC. 186. REVOCATION.—

"a. Any license may be revoked for any material false statement in the application or any statement of fact required under section 182, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for failure to construct or operate a facility in accordance with the terms of the construction permit or license or the technical specifications in the application, or for violation of, or failure to observe any of the terms and provisions of this Act or of any regulation of the Commission.

¹⁵⁵ Public Law 88-489 (78 Stat. 602) (1964), sec. 19, added "or special nuclear material".

¹⁵⁶ Public Law 88-489 (78 Stat. 602) (1964), sec. 19, substituted the word "facility" for the word "property".

"b. The Commission shall follow the provisions of section 9(b) of the Administrative Procedure Act in revoking any license.

80 Stat. 388, 3
U.S.C. 558(b).

"c. Upon revocation of the license, the Commission may immediately retake possession of all special nuclear material held by the licensee. In cases found by the Commission to be of extreme importance to the national defense and security or to the health and safety of the public, the Commission may recapture any special nuclear material held by the licensee or may enter upon and operate the facility prior to any of the procedures provided under the Administrative Procedure Act. Just compensation shall be paid for the use of the facility.

5 U.S.C. 551.

"SEC. 187. MODIFICATION OF LICENSE.—The terms and conditions of all licenses shall be subject to amendment, revision, or modification, by reason of amendments of this Act, or by reason of rules and regulations issued in accordance with the terms of this Act.

Modification
of license.
42 U.S.C.
sec. 2237.

"SEC. 188. CONTINUED OPERATION OF FACILITIES.—Whenever the Commission finds that the public convenience and necessity or the production program of the Commission requires continued operation of a production facility or utilization facility the license for which has been revoked pursuant to section 186, the Commission may, after consultation with the appropriate regulatory agency, State or Federal, having jurisdiction, order that possession be taken of and such facility be operated for such period of time as the public convenience and necessity or the production program of the Commission may, in the judgment of the Commission, require, or until a license for the operation of the facility shall become effective. Just compensation shall be paid for the use of the facility.

Continued
operation of
facilities.
42 U.S.C.
sec. 2238.

"SEC. 189. HEARINGS AND JUDICIAL REVIEW.—

"a. In any proceeding under this Act, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, and in any proceeding for the payment of compensation, an award, or royalties under sections 153, 157, 186 c., or 188, the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. The Commission shall hold a hearing after thirty days' notice and publication once in the Federal Register, on each application under section 103 or 104 b. for a construction permit for a facility, and on any application under section 104 c. for a construction permit for a testing facility. In cases where such a construction permit has been issued following the

Hearings and
judicial
review.
42 U.S.C.
sec. 2239.

Publication
in F.R.

holding of such a hearing, the Commission may, in the absence of a request therefor by any person whose interest may be affected, issue an operating license or an amendment to a construction permit or an amendment to an operating license without a hearing, but upon thirty days' notice and publication once in the Federal Register of its intent to do so. The Commission may dispense with such thirty days' notice and publication with respect to any application for an amendment to a construction permit or an amendment to an operating license upon a determination by the Commission that the amendment involves no significant hazards consideration.¹⁵⁷

"b. Any final order entered in any proceeding of the kind specified in subsection a. above shall be subject to judicial review in the manner prescribed in the Act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129), and to the provisions of section 10 of the Administrative Procedure Act, as amended.

"SEC. 190. LICENSEE INCIDENT REPORTS.—No report by any licensee of any incident arising out of or in connection with a licensed activity made pursuant to any requirement of the Commission shall be admitted as evidence in any suit or action for damages growing out of any matter mentioned in such report.¹⁵⁸

"SEC. 191. ATOMIC SAFETY AND LICENSING BOARD.—

"a. Notwithstanding the provisions of sections 7(a) and 8(a) of the Administrative Procedure Act, the Commission is authorized to establish one or more atomic safety and licensing boards, each comprised of three members, one of whom shall be qualified in the conduct of administrative proceedings and two of whom shall have such technical or other qualifications as the Commission deems appropriate to the issues to be decided, to conduct such hearings as the Commission may direct and make such intermediate or final decisions as the Commission may authorize with respect to the granting, suspending, revoking or amending of any license or authorization under the provisions of this Act, any other provision of law, or any regulation of the Commission issued there-

¹⁵⁷ Public Law 87-615 (76 Stat. 409) (1962), sec. 2, amended this section. Before amendment it read: "SEC. 189. HEARINGS AND JUDICIAL REVIEW.—

"a. In any proceeding under this Act, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, and in any proceeding for the payment of compensation, an award or royalties under sections 153, 157, 186 c., or 188, the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. The Commission shall hold a hearing after thirty days notice and publication once in the Federal Register on each application under section 103 or 104 b. for a license for a facility, and on any application under section 104 c. for a license for a testing facility."

Public Law 85-256 (71 Stat. 576) (1957), sec. 7, had previously amended sec. 189 a. by adding the last sentence thereof.

¹⁵⁸ Sec. 190 was added by Public Law 87-206 (75 Stat. 475) (1961), sec. 16.

5 U.S.C. 701-
706, 28 U.S.C.
2341-2352.

42 U.S.C.
sec. 2240.

Atomic Safety
and Licensing
Board
80 Stat. 386,
387, 5 U.S.C.
556, 557.
42 U.S.C.
sec. 2241.

under.¹⁵⁹ The Commission may delegate to a board such other regulatory functions as the Commission deems appropriate. The Commission may appoint a panel of qualified persons from which board members may be selected.

"b. Board members may be appointed by the Commission from private life, or designated from the staff of the Commission or other Federal agency. Board members appointed from private life shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of a board. The provisions of section 163 shall be applicable to board members appointed from private life.¹⁶⁰

"SEC. 192. TEMPORARY OPERATING LICENSE.—

"a. In any proceeding upon an application for an operating license for a nuclear power reactor, in which a hearing is otherwise required pursuant to section 189 a., the applicant may petition the Commission for a temporary operating license authorizing operation of the facility pending final action by the Commission on the application. Such petition may be filed at any time after filing of: (1) the report of the Advisory Committee on Reactor Safeguards required by subsection 182 b.; (2) the safety evaluation of the application by the Commission's regulatory staff; and (3) the regulatory staff's final detailed statement on the environmental impact of the facility prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 853) or, in the case of an application for operating license filed on or before September 9, 1971, if the regulatory staff's final detailed statement required under section 102(2)(C) is not completed, the Commission must satisfy the applicable requirements of the National Environmental Policy Act prior to issuing any temporary operating license under this section 192. The petition shall be accompanied by an affidavit or affidavits setting forth the facts upon which the petitioner relies to justify issuance of the temporary operating license. Any party to the proceeding may file affidavits in support of, or opposition to, the petition within fourteen days

Temporary
licensing
authority.
42 U.S.C.
sec. 2242

¹⁵⁹ Public Law 91-560 (84 Stat. 1472) (1970), sec. 10, amended the first sentence of subsec. 191 a. Before amendment it read as follows:

"Notwithstanding the provisions of sections 7(a) and 8(a) of the Administrative Procedure Act, the Commission is authorized to establish one or more atomic safety and licensing boards, each composed of three members, two of whom shall be technically qualified and one of whom shall be qualified in the conduct of administrative proceedings, to conduct such hearings as the Commission may direct and make such intermediate or final decisions as the Commission may authorize with respect to the granting, suspending, revoking or amending of any license or authorization under the provisions of this Act, any other provision of law, or any regulation of the Commission issued hereunder."

¹⁶⁰ Sec. 191 was added by Public Law 87-615 (76 Stat. 409) (1962), sec. 1.

after the filing of such petition, or within such additional time not to exceed ten days as may be fixed by the Commission. The Commission shall hold a hearing after ten days' notice and publication once in the Federal Register on any such petition and supporting material filed under this section and the decision of the Commission with respect to the issuance of a temporary operating license, following such hearing, shall be on the basis of findings on the matters specified in subsection b. of this section. The hearing required by this section and the decision of the Commission on the petition shall be conducted with expedited procedures as the Commission may by rule, regulation, or order deem appropriate for a full disclosure of material facts on all substantial issues raised in connection with the proposed temporary operating license.

"b. With respect to any petition filed pursuant to subsection a. of this section, the Commission shall issue a temporary operating license upon finding that:

"(1) the provisions of section 185 have been met with respect to the temporary operating license;

"(2) operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection of the environment during the period of the temporary operating license; and

"(3) operation of the facility in accordance with the terms and conditions of the temporary operating license is essential toward insuring that the power generating capacity of a utility system or power pool is at, or is restored to, the levels required to assure the adequacy and reliability of the power supply, taking into consideration factors which include, but need not be limited to, alternative available sources of supply, historical reserve requirements for the systems involved to function reliably, the possible endangerment to the public health and safety in the event of power shortages, and data from appropriate Federal and State governmental bodies which have official responsibility to assure an adequate and reliable power supply.

The temporary license shall contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for the extension thereof, and the requirement that the licensee not retire or dismantle any of its existing generating capacity on the ground of the availability of the capacity from the facility which is operating under the temporary license. Any decision or other document authorizing the issuance of any temporary license pursuant to this section shall recite with specificity the reasons justifying the issuance. The decision of the Commission with respect to the issuance of a temporary operating license shall be

subject to judicial review pursuant to the Act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129).

"c. The hearing on the application for the final operating license otherwise required pursuant to section 189 a. shall be concluded as promptly as practicable. The Commission shall vacate the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence. Issuance of a temporary operating license pursuant to subsection b. of this section shall be without prejudice to the position of any party to the proceeding in which a hearing is otherwise required pursuant to section 189 a.; and failure to assert any ground for denial or limitation of a temporary operating license shall not bar the assertion of such ground in connection with the issuance of a subsequent final operating license.

"d. The authority under this section shall expire on October 30, 1973.¹⁶¹

"CHAPTER 17.¹⁶²

¹⁶¹ Sec. 192 was added by Public Law 92-307 (86 Stat. 191) (1972).

¹⁶² Public Law 95-110 (91 Stat. 884) (1977), sec. 302(a), repealed chapter 17, which read as follows:

"JOINT COMMITTEE ON ATOMIC ENERGY

"SEC. 201. MEMBERSHIP.—There is hereby established a Joint Committee on Atomic Energy to be composed of nine Members of the Senate to be appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five Members shall be members of the same political party.

"SEC. 202. AUTHORITY AND DUTY.—

"a. The Joint Committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. During the first ninety* days of each session of the Congress, the Joint Committee may conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic energy industry.** The Commission shall keep the Joint Committee fully and currently informed with respect to all of the Commission's activities. The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the Joint Committee. The members of the Joint Committee who are Members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are referred to the Joint Committee or otherwise within the jurisdiction of the Joint Committee.

"b. The members of the Joint Committee who are Members of the Senate and the Members of the Joint Committee who are Members of the House of Representatives shall, on or before June 30 of each year, report to their respective Houses on the development, use, and control of nuclear energy for the common defense and security and for peaceful purposes. Each report shall provide facts and information available to the Joint Committee concerning nuclear energy which will assist the appropriate committees of the Congress and individual members in the exercise of informed judgment on matters of weaponry; foreign policy; defense; international trade; and in respect to the expenditure and appropriation of Government revenues. Each report shall be presented formally under circumstances which provide for clarification and discussion by the Senate and the House of Representatives. In recognition of the need for

public understanding, presentations of the reports shall be made to the maximum extent possible in open session and by means of unclassified written materials.**

"SEC. 203. CHAIRMAN.—Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a Chairman and a Vice Chairman from among its members at the beginning of each Congress. The Vice Chairman shall act in the place and stead of the Chairman in the absence of the Chairman. The Chairmanship shall alternate between the Senate and the House of Representatives with each Congress, and the Chairman shall be selected by the Members from that House entitled to the Chairmanship. The Vice Chairman shall be chosen from the House other than that of the Chairman by the Members from that House.

"SEC. 204. POWERS.—In carrying out its duties under this Act, the Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary: *Provided, however*, That no measure or recommendation shall be reported from the Joint Committee unless a majority of the committee assent. Subpenas may be issued over the signature of the Chairman of the Joint Committee or by any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Joint Committee or any member thereof may administer oaths to witnesses. The Joint Committee may use a committee seal. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended, shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. The expenses of the Joint Committee shall be paid from the contingent fund of the Senate from funds appropriated for the Joint Committee upon vouchers approved by the Chairman. The cost of stenographic service to report public hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate. The cost of stenographic service to report executive hearings shall be fixed at an equitable rate by the Joint Committee. Members of the Joint Committee, and its employees and consultants, while traveling on official business for the Joint Committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

"SEC. 205. STAFF AND ASSISTANCE.—The Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government. The Joint Committee is authorized to permit such of its members, employees, and consultants as it deems necessary in the interest of common defense and security to carry firearms while in the discharge of their official duties for the committee.

"SEC. 206. CLASSIFICATION OF INFORMATION.—The Joint Committee may classify information originating within the committee in accordance with standards used generally by the executive branch for classifying Restricted Data or defense information.

"SEC. 207. RECORDS.—The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or other places as the Joint Committee may direct under such security safeguards as the Joint Committee shall determine in the interest of the common defense and security."

* Public Law 87-206 (75 Stat. 475) (1961), sec. 17, substituted the word "ninety" for the word "sixty".

** Public Law 88-294 (78 Stat. 172) 1964), amended the second sentence of sec. 202. Before amendment this sentence read: "During the first ninety days of each session of the Congress, the Joint Committee shall conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic energy industry."

*** Subsection 202b. was added by Public Law 93-514 (88 Stat. 1611) (1974).

"CHAPTER 18. ENFORCEMENT

"SEC. 221. GENERAL PROVISIONS.—

General
provisions.
42 U.S.C.
sec. 2271.

"a. To protect against the unlawful dissemination of Restricted Data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable.

"b. The Federal Bureau of Investigation of the Department of Justice shall investigate all alleged or suspected criminal violations of this Act.

"c. No action shall be brought against any individual or person for any violation under this Act unless and until the Attorney General of the United States has advised the Commission with respect to such action and no such action shall be commenced except by the Attorney General of the United States: *Provided, however,* That no action shall be brought under section 222, 223, 224, 225 or 226 except by the express direction of the Attorney General: *And provided further,* That nothing in this subsection shall be construed as applying to administrative action taken by the Commission.¹⁶³

"SEC. 222. VIOLATION OF SPECIFIC SECTIONS.—Whoever willfully violates, attempts to violate, or conspires to violate, any provision of sections 57, 92, or 101, or whoever unlawful interferes, attempts to interfere, or conspires to interfere with any recapture or entry under section 108, shall, upon conviction thereof, be punished by a fine of not more than \$10,000 or by imprisonment for not more than ten¹⁶⁴ years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both.¹⁶⁵

Violation
of specific
sections.
42 U.S.C.
sec. 2272.

"SEC. 223. VIOLATION OF SECTIONS GENERALLY.—Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this Act for which no crimi-

Violation
of sections
generally.
42 U.S.C.
sec. 2273.

¹⁶³ Public Law 91-161 (83 Stat. 444) (1969), sec. 5, amended sec. 221 by adding the second proviso.

¹⁶⁴ Public Law 91-161 (83 Stat. 444) (1969), sec. 2, amended sec. 222 by substituting the word "ten" for the word "five". Sec. 7 provided that the amendment apply only to offenses committed on or after December 24, 1969.

¹⁶⁵ Public Law 91-161 (83 Stat. 444) (1969), sec. 3(a), amended sec. 222 by substituting the words "imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both" in lieu of "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or by imprisonment for not more than 20 years, or both". Sec. 7 provided that the amendment apply only to offenses committed on or after December 24, 1969.

nal ¹⁶⁶ penalty is specifically provided or of any regulation or order prescribed or issued under section 65 or subsections 161 b., i., or o.¹⁶⁷ shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

Communication of restricted data.
42 U.S.C.
sec. 2274.

"SEC. 224. COMMUNICATION OF RESTRICTED DATA.—Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data—

"a. communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both; ¹⁶⁸

"b. communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both.

Receipt of restricted data.
42 U.S.C.
sec. 2275.

"SEC. 225. RECEIPT OF RESTRICTED DATA.—Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires, or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data shall, upon conviction thereof, be punished by imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both.¹⁶⁹

Tampering with restricted data.
42 U.S.C.
sec. 2276.

"SEC. 226. TAMPERING WITH RESTRICTED DATA.—Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes, conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan,

¹⁶⁶ Public Law 91-161 (83 Stat. 444) (1969), sec. 6, amended sec. 223 by adding the word "criminal" before the word "penalty".

¹⁶⁷ Public Law 90-190 (81 Stat. 575) (1967), sec. 12, amended sec. 223 by striking out the letter "p." appearing after the word "or", and inserting in lieu thereof the letter "o."

¹⁶⁸ See p. 125 for text of footnote.

model, instrument, appliance, or note involving or incorporating Restricted Data and used by any individual or person in connection with the production of special nuclear material, or research or development relating to atomic energy, conducted by the United States, or financed in whole or in part by Federal funds, or conducted with the aid of special nuclear material, shall be punished by imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both.¹⁶⁹

"SEC. 227. DISCLOSURE OF RESTRICTED DATA.—Whoever, being or having been an employee or member of the Commission, a member of the Armed Forces, an employee of any agency of the United States, or being or having been a contractor of the Commission or of an agency of the United States, or being or having been an employee of a contractor of the Commission or of an agency of the United States, or being or having been a licensee of the Commission, or being or having been an employee of a licensee of the Commission, knowingly communicates, or whoever conspires to communicate or to receive, any Restricted Data, knowing or having reason to believe that such data is Restricted Data, to any person not authorized to receive Restricted Data pursuant to the provisions of this Act or under rule or regulation of the Commission issued pursuant thereto, knowing or having reason to believe such person is not so authorized to receive Restricted Data shall, upon conviction thereof, be punishable by a fine of not more than \$2,500.

Disclosure of
restricted data.
42 U.S.C.
sec. 2277.

"SEC. 228. STATUTE OF LIMITATIONS.—Except for a capital offense, no individual or person shall be prosecuted, tried, or punished for any offense prescribed or defined in sections 224 to 226, inclusive, of this Act, unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.

Statute of
limitations.
42 U.S.C.
sec. 2278.

"SEC. 229. TRESPASS UPON COMMISSION INSTALLATIONS.¹⁷⁰—

Trepass on
Commission
installations.
42 U.S.C.
sec. 2278a.

"a. The Commission is authorized to issue regulations relating to the entry upon or carrying, transporting, or otherwise introducing or causing to be introduced any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or

¹⁶⁹ Public Law 91-161 (83 Stat. 444) (1969), sec. 3(b), amended secs. 224a, 225, and 226 by substituting in each section, the words "imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both" in lieu of "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both". Sec. 7 of the amendment provided that the amendment apply only to offenses committed on or after December 24, 1969.

¹⁷⁰ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 6, added a new sec. 229.

property, into or upon any facility, installation, or real property subject to the jurisdiction, administration, or in the custody of the Commission. Every such regulation of the Commission shall be posted conspicuously at the location involved.

"b. Whoever shall willfully violate any regulation of the Commission issued pursuant to subsection a. shall, upon conviction thereof, be punishable by a fine of not more than \$1,000.

"c. Whoever shall willfully violate any regulation of the Commission issued pursuant to subsection a. with respect to any installation or other property which is enclosed by a fence, wall, floor, roof, or other structural barrier shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$5,000 or to imprisonment for not more than one year, or both.

Photographing
of Commission
installations.
42 U.S.C.
sec. 2278b.

"SEC. 230. PHOTOGRAPHING, ETC., OF COMMISSION INSTALLATIONS.¹⁷¹—It shall be an offense, punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, or both—

"(1) to make any photograph, sketch, picture, drawing, map or graphical representation, while present on property subject to the jurisdiction, administration or in the custody of the Commission, of any installations or equipment designated by the President as requiring protection against the general dissemination of information relative thereto, in the interest of the common defense and security, without first obtaining the permission of the Commission, and promptly submitting the product obtained to the Commission for inspection or such other action as may be deemed necessary; or

"(2) to use or permit the use of an aircraft or any contrivance used, or designed for navigation or flight in air, for the purpose of making a photograph, sketch, picture, drawing, map or graphical representation of any installation or equipment designated by the President as provided in the preceding paragraph, unless authorized by the Commission.

Other laws.
42 U.S.C.
sec. 2279.

"SEC. 231. OTHER LAWS.¹⁷²—Sections 224 to 230 shall not exclude the applicable provisions of any other laws.

Injunction
proceedings.
42 U.S.C.
sec. 2280.

"SEC. 232.¹⁷³—INJUNCTION PROCEEDINGS.—Whenever in the judgment of the Commission any person has engaged or is about to engage in any acts or practices which con-

¹⁷¹ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 6, added a new sec. 230.

¹⁷² Public Law 84-1006 (70 Stat. 1069) (1956), sec. 7, amended former sec. 229 and redesignated it as sec. 231. Before amendment, sec. 229 read:

"SEC. 229. OTHER LAWS.—Sections 224 to 228 shall not exclude the applicable provisions of any other laws."

stitute or will constitute a violation of any provision of this Act, or any regulation or order issued thereunder, the Attorney General on behalf of the United States may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Commission that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

"SEC. 233.¹⁷³ CONTEMPT PROCEEDINGS.—In case of failure or refusal to obey a subpoena served upon any person pursuant to subsection 161 c., the district court for any district in which such person is found or resides or transacts business, upon application by the Attorney General on behalf of the United States, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, in accordance with the subpoena; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Contempt
proceedings.
42 U.S.C.
sec. 2231.

"SEC. 234.¹⁷⁴ CIVIL MONETARY PENALTIES FOR VIOLATIONS OF LICENSING REQUIREMENTS.—

Civil penalties.
42 U.S.C.
sec. 2232.

"a. Any person who (1) violates any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or (2) commits any violation for which a license may be revoked under section 186, shall be subject to a civil penalty, to be imposed by the Commission, of not to exceed \$5,000 for each such violation: *Provided*, That in no event shall the total penalty payable by any person exceed \$25,000 for all violations by such person occurring within any period of thirty consecutive days. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. The Commission shall have the power to compromise, mitigate, or remit such penalties.

68 Stat. 930.
42 U.S.C. 2073,
2077, 2092,
2093, 2111,
2112, 2131,
2133, 2134,
2137, 2139,
42 U.S.C.
2236.

"b. Whenever the Commission has reason to believe that a person has become subject to the imposition of a civil penalty under the provisions of this section, it shall notify such person in writing (1) setting forth the date, facts, and nature of each act or omission with which the person is charged, (2) specifically identifying the particular provision or provisions of the section, rule, regulation, order, or license involved in the violation, and (3) advising of each penalty which the Commission proposes to impose and its amount. Such written notice shall be sent by registered or certified mail by the Commission to

83 Stat. 445.

Written
notification.

¹⁷³ Public Law 84-1006 (70 Stat. 1069) (1956), sec. 6, renumbered former secs. 230 and 231 to secs. 232 and 233, respectively.

¹⁷⁴ Public Law 91-161 (83 Stat. 444) (1969), sec. 4, added sec. 234.

the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by regulation prescribe, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Commission, if any, the penalty may be collected by civil action.

"c. On the request of the Commission, the Attorney General is authorized to institute a civil action to collect a penalty imposed pursuant to this section. The Attorney General shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred to him for collection.

"CHAPTER 19. MISCELLANEOUS

Transfer of
property.

42 U.S.C.
sec. 2015.

Report to
Congress.
42 U.S.C.
sec. 2016.

"SEC. 241. TRANSFER OF PROPERTY.—Nothing in this Act shall be deemed to repeal, modify, amend, or alter the provisions of section 9(a) of the Atomic Energy Act of 1946, as heretofore amended.¹⁷⁵

"SEC. 251. REPORT TO CONGRESS.—The Commission shall submit to the Congress, in January¹⁷⁶ of each year, a report concerning the activities of the Commission. The Commission shall include in such report, and shall at such other times as it deems desirable submit to the Congress, such recommendations for additional legislation as the Commission deems necessary or desirable.

"SEC. 261. APPROPRIATIONS.—¹⁷⁷

42 U.S.C.
sec. 2017.

¹⁷⁵ See appendix 4, sec. 9(a).

¹⁷⁶ Public Law 86-43 (73 Stat. 73) (1959), amended sec. 251 by deleting the words "and July" after the word "January".

¹⁷⁷ Public Law 88-72 (77 Stat. 84) (1963), sec. 107, the AEC Fiscal Year 1964 Authorization Act, amended section 261. Before amendment this section read as follows:

"SEC. 261. APPROPRIATIONS.—

"a. There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act, except—

"(1) Such as may be necessary for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion: *Provided*, That for the purposes of this subsection a., any nonmilitary experimental reactor which is designed to produce more than 10,000 thermal kilowatts of heat (except for intermittent excursions) or which is designed to be used in the production of electric power shall be deemed to be a facility.

"(2) Such as may be necessary to carry out cooperative programs with persons for the development and construction of reactors for the demonstration of their use, in whole or in part, in the production of electric power or process heat, or for propulsion, or solely or principally for the commercial provision of byproduct material, irradiation, or other special services, for civilian use, by arrangements (including contracts, agreements, and loans) or amendments thereto, providing for the payment of funds, the rendering of services, and the undertaking of research and development without full reimbursement, the waiver of charges accompanying such arrangement, or the provision by the Commission of any other financial assistance pursuant to such arrangement, or which involves the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion undertaken by the Commission as a part of such arrangements.

"b. The acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only.

(Continued)

"a. No appropriation ¹⁷⁸ shall be made to the Commission, nor shall the Commission waive charges for the use of materials under the Cooperative Power Reactor Demonstration Program, unless previously authorized by legislation enacted by the Congress.¹⁷⁹

"b. Any Act appropriating funds to the Commission may appropriate specified portions thereof to be accounted for upon the certification of the Commission only.

"c. Notwithstanding the provisions of subsection a., funds are hereby authorized to be appropriated for the restoration or replacement of any plant or facility destroyed or otherwise seriously damaged, and the Commission is authorized to use available funds for such purposes.

"d. Funds authorized to be appropriated for any construction project to be used in connection with the development or production of special nuclear material or atomic weapons may be used to start another construction project not otherwise authorized if the substituted construction project is within the limit of cost of the construction project for which substitution is to be made, and the Commission certifies that—

"(1) the substituted project is essential to the common defense and security;

"(2) the substituted project is required by changes in weapon characteristics or weapon logistics operations; and

"(3) the Commission is unable to enter into a contract with any person on terms satisfactory to it to furnish from a privately owned plant or facility the product or services to be provided by the new project.

"SEC. 271. AGENCY JURISDICTION.—Nothing in this Act shall be construed to affect the authority or regulations of any Federal, State, or local agency with respect to

Agency
jurisdiction.
42 U.S.C.
sec. 2018.

(Continued)

"c. Funds are hereby authorized to be appropriated for advance planning, construction design, and architectural services in connection with any plant or facility not otherwise authorized, and for the restoration or replacement of any plant or facility destroyed or otherwise seriously damaged, and the Commission is authorized to use available funds for such purposes.

"d. Funds hereafter authorized to be appropriated for any project to be used in connection with the development or production of special nuclear material or atomic weapons may be used to start another project not otherwise authorized if the substituted project is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that—

"(1) the substituted project is essential to the common defense and security;

"(2) the substituted project is required by changes in weapon characteristics or weapon logistic operations; and

"(3) the Commission is unable to enter into a contract with any person on terms satisfactory to it to furnish from a privately owned plant or facility the product or services to be provided by the new project." Subsecs. c. and d. added by Public Law 87-615 (76 Stat. 409), sec. 8. For previous amendments of this section see "Atomic Energy Legislation Through 87th Congress, 2nd Session," p. 79.)

¹⁷⁸ Excerpts from legislation appropriating funds to the Atomic Energy Commission are set forth in appendix 5.

¹⁷⁹ Legislation authorizing appropriations to the Commission is set forth in Part II, *infra*.

the generation, sale, or transmission of electric power produced through the use of nuclear facilities licensed by the Commission: *Provided*, That this section shall not be deemed to confer upon any Federal, State, or local agency any authority to regulate, control, or restrict any activities of the Commission.¹⁸⁰

Applicability
of Federal
Power Act.
42 U.S.C.
sec. 2019.

"SEC. 272. APPLICABILITY OF FEDERAL POWER ACT.—Every licensee under this Act who holds a license from the Commission for a utilization or production facility for the generation of commercial electric energy under section 103 and who transmits such electric energy in interstate commerce or sells it as wholesale in interstate commerce shall be subject to the regulatory provisions of the Federal Power Act.

Licensing of
Government
agencies.
42 U.S.C.
sec. 2020.

"SEC. 273. LICENSING OF GOVERNMENT AGENCIES.—Nothing in this Act shall preclude any Government agency now or hereafter authorized by law to engage in the production, marketing, or distribution of electric energy from obtaining a license under section 103, if qualified under the provisions of section 103, for the construction and operation of production or utilization facilities for the primary purpose of producing electric energy for disposition for ultimate public consumption.

Cooperation
with States.
42 U.S.C.
sec. 2021.

"SEC. 274. COOPERATION WITH STATES.¹⁸¹—

"a. It is the purpose of this section—

"(1) to recognize the interests of the States in the peaceful uses of atomic energy, and to clarify the respective responsibilities under this Act of the States and the Commission with respect to the regulation of byproduct, source, and special nuclear materials;

"(2) to recognize the need, and establish programs for, cooperation between the States and the Commission with respect to control of radiation hazards associated with use of such materials;

"(3) to promote an orderly regulatory pattern between the Commission and State governments with respect to nuclear development and use and regulation of byproduct, source, and special nuclear materials;

"(4) to establish procedures and criteria for discontinuance of certain of the Commission's regulatory responsibilities with respect to byproduct, source, and special nuclear materials, and the assumption thereof by the States;

"(5) to provide for coordination of the development of radiation standards for the guidance of

¹⁸⁰ Public Law 89-135 (79 Stat. 551) (1965), amended sec. 271. Prior to amendment this section read as follows:

"SEC. 271. AGENCY JURISDICTION.—Nothing in this Act shall be construed to affect the authority or regulations of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power."

¹⁸¹ Public Law 86-373 (73 Stat. 688) (1959), sec. 1, added sec. 274.

Federal agencies and cooperation with the States; and

“(6) to recognize that, as the States improve their capabilities to regulate effectively such materials, additional legislation may be desirable.

“b. Except as provided in subsection c., the Commission is authorized to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under chapters 6, 7, and 8, and section 161 of this Act, with respect to any one or more of the following materials within the State—

Agreements
with States.

“(1) byproduct materials as defined in section 11e. (1);¹⁸²

“(2) byproduct materials as defined in section 11e. (2);¹⁸³

“(3) source materials;

“(4) special nuclear materials in quantities not sufficient to form a critical mass.

During the duration of such an agreement it is recognized that the State shall have authority to regulate the materials covered by the agreement for the protection of the public health and safety from radiation hazards.

“c. No agreement entered into pursuant to subsection b. shall provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of—

“(1) the construction and operation of any production or utilization facility;

“(2) the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

“(3) the disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

“(4) the disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission. The Commission shall also retain authority under any such agreement to make a determination that all applicable standards and requirements have been met prior to termination of a license for byproduct material, as defined in section 11 e. (2).¹⁸⁴

42 U.S.C. 2014.

Notwithstanding any agreement between the Commission and any State pursuant to subsection b., the Com-

¹⁸² Public Law 95-604 (92 Stat. 3036) (1978), sec. 204(a), amended sec. 274(b) (1) by adding “as defined in section 11e. (1)” after the words “byproduct materials”.

¹⁸³ Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(a), renumbered paragraphs (2) and (3) as paragraphs (3) and (4), and added a new paragraph (2).

¹⁸⁴ Public Law 95-604 (92 Stat. 3038) (1978), sec. 204(f), added a new sentence after paragraph (4).

Conditions

mission is authorized by rule, regulation, or order to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

"d. The Commission shall enter into an agreement under subsection b. of this section with any State if—

"(1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and

"(2) the Commission finds that the State program is in accordance with the requirements of subsection o. and in all other respects¹⁸⁵ compatible with the Commission's program for regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed agreement.

**Publication
in F.R.**

"e. (1) Before any agreement under subsection b. is signed by the Commission, the terms of the proposed agreement and of proposed exemptions pursuant to subsection f. shall be published once each week for four consecutive weeks in the Federal Register; and such opportunity for comment by interested persons on the proposed agreement and exemptions shall be allowed as the Commission determines by regulation or order to be appropriate.

"(2) Each proposed agreement shall include the proposed effective date of such proposed agreement or exemptions. The agreement and exemptions shall be published in the Federal Register within thirty days after signature by the Commission and the Governor.

**Licensing
requirements.
Exemptions.**

"f. The Commission is authorized and directed, by regulation or order, to grant such exemptions from the licensing requirements contained in chapters 6, 7, and 8, and from its regulations applicable to licensees as the Commission finds necessary or appropriate to carry out any agreement entered into pursuant to subsection b. of this section.

"g. The Commission is authorized and directed to cooperate with the States in the formulation of standards for protection against hazards of radiation to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible.

¹⁸⁵ Public Law 95-604 (92 Stat. 3037) (1978), sec. 904(b), amended sec. 274(d)(2) by inserting the words "in accordance with the requirements of subsection o, and in all other respects" before the word "compatible".

"h. There is hereby established a Federal Radiation Council, consisting of the Secretary of Health, Education, and Welfare, the Chairman of the Atomic Energy Commission, the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, or their designees, and such other members as shall be appointed by the President. The Council shall consult qualified scientists and experts in radiation matters, including the President of the National Academy of Sciences, the Chairman of the National Committee on Radiation Protection and Measurement, and qualified experts in the field of biology and medicine and in the field of health physics. The Special Assistant to the President for Science and Technology, or his designee, is authorized to attend meetings, participate in the deliberations of, and to advise the Council. The Chairman of the Council shall be designated by the President, from time to time, from among the members of the Council. The Council shall advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States. The Council shall also perform such other functions as the President may assign to it by Executive order.

Federal
Radiation
Council.

"i. The Commission in carrying out its licensing and regulatory responsibilities under this Act is authorized to enter into agreements with any State, or group of States, to perform inspections or other functions on a cooperative basis as the Commission deems appropriate. The Commission is also authorized to provide training, with or without charge, to employees of, and such other assistance to, any State or political subdivision thereof or group of States as the Commission deems appropriate. Any such provision or assistance by the Commission shall take into account the additional expenses that may be incurred by a State as a consequence of the State's entering into an agreement with the Commission pursuant to subsection b.

Inspections.

"j. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State with which an agreement under subsection b. has become effective, or upon request of the Governor of such State, may terminate or suspend all or part of ¹⁸⁶ its agreement with the State and reassert the licensing and regulatory authority vested in it under this Act, if the Commission finds that (1)¹⁸⁷ such termination or suspension is required to protect the public health and safety, or (2) the

Termination
of agreement.

¹⁸⁶ Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(d)(1), amended sec. 274j by adding the words "all or part of" after "suspend".

¹⁸⁷ Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(d)(2), amended sec. 274j by inserting "(1)" after "finds that".

State has not complied with one or more of the requirements of this section. The Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section.¹⁸⁸

"k. Nothing in this section shall be construed to affect the authority of any State or local agency to regulate activities for purposes other than protection against radiation hazards.

Notice of
filing.

"l. With respect to each application for Commission license authorizing an activity as to which the Commission's authority is continued pursuant to subsection c., the Commission shall give prompt notice to the State or States in which the activity will be conducted of the filing of the license application; and shall afford reasonable opportunity for State representatives to offer evidence, interrogate witnesses, and advise the Commission as to the application without requiring such representatives to take a position for or against the granting of the application.

"m. No agreement entered into under subsection b., and no exemption granted pursuant to subsection f., shall affect the authority of the Commission under subsection 161 b. or i. to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material. For purposes of subsection 161 i., activities covered by exemptions granted pursuant to subsection f. shall be deemed to constitute activities authorized pursuant to this Act; and special nuclear material acquired by any person pursuant to such an exemption shall be deemed to have been acquired pursuant to section 53.

Definition.

"n. As used in this section, the term 'State' means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia.

"Agreement."

As used in this section, the term 'agreement' includes any amendment to any agreement.¹⁸⁹

"o. In the licensing and regulation of byproduct material, as defined in section 11 e. (2) of this Act, or of any activity which results in the production of byproduct material as so defined under an agreement entered into pursuant to subsection b., a State shall require—

"(1) compliance with the requirements of subsection b. of section 83 (respecting ownership of byproduct material and land), and

¹⁸⁸ Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(d)(3), amended sec. 274j by adding at the end before the period", or (2) the State has not complied with one or more of the requirements of this section. The Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section".

¹⁸⁹ Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(c), added last sentence to sec. 274n.

"(2) compliance with standards which shall be adopted by the State for the protection of the public health, safety, and the environment from hazards associated with such material which are equivalent, to the extent practicable, or more stringent than, standards adopted and enforced by the Commission for the same purpose, including requirements and standards promulgated by the Commission and the Administrator of the Environmental Protection Agency pursuant to sections 83, 84, and 275, and

Ante, p. 3033.
Post, p. 3039.

"(3) procedures which—

"(A) in the case of licenses, provide procedures under State law which include—

"(i) an opportunity, after public notice, for written comments and a public hearing, with a transcript,

"(ii) an opportunity for cross examination, and

"(iii) a written determination which is based upon findings included in such determination and upon the evidence presented during the public comment period and which is subject to judicial review;

"(B) in the case of rulemaking, provide an opportunity for public participation through written comments or a public hearing and provide for judicial review of the rule;

"(C) require for each license which has a significant impact on the human environment a written analysis (which shall be available to the public before the commencement of any such proceedings) of the impact of such license, including any activities conducted pursuant thereto, on the environment, which analysis shall include—

"(i) an assessment of the radiological and nonradiological impacts to the public health of the activities to be conducted pursuant to such license;

"(ii) an assessment of any impact on any waterway and groundwater resulting from such activities;

"(iii) consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted pursuant to such license; and

"(iv) consideration of the long-term impacts, including decommissioning, decontamination, and reclamation impacts, associated with activities to be conducted pursuant to such license, including the management of any byproduct material, as defined by section 11 e. (2); and

“(D) prohibit any major construction activity with respect to such material prior to complying with the provisions of subparagraph (C).”

If any State under such agreement imposes upon any licensee any requirement for the payment of funds to such State for the reclamation or long-term maintenance and monitoring of such material, and if transfer to the United States of such material is required in accordance with section 83 b. of this Act, such agreement shall be amended by the Commission to provide that such State shall transfer to the United States upon termination of the license issued to such licensee the total amount collected by such State from such licensee for such purpose. If such payments are required, they must be sufficient to ensure compliance with the standards established by the Commission pursuant to section 161 x. of this Act. No State shall be required under paragraph (3) to conduct proceedings concerning any license or regulation which would duplicate proceedings conducted by the Commission.¹⁹⁰

Ante, p. 3033.

42 U.S.C. 2201.

42 U.S.C. 2022.

“SEC. 275. HEALTH AND ENVIRONMENTAL STANDARDS FOR URANIUM MILL TAILINGS.—

Rule.

“a. As soon as practicable, but not later than one year after the date of enactment of this section, the Administrator of the Environmental Protection Agency (hereinafter referred to in this section as the ‘Administrator’) shall, by rule, promulgate standards of general application (including standards applicable to licenses under section 104(h) of the Uranium Mill Tailings Radiation Control Act of 1978) for the protection of the public health, safety, and the environment from radiological and nonradiological hazards associated with residual radioactive materials (as defined in section 101 of the Uranium Mill Tailings Radiation Control Act of 1978) located at inactive uranium mill tailings sites and depository sites for such materials selected by the Secretary of Energy, pursuant to title I of the Uranium Mill Tailings Radiation Control Act of 1978. Standards promulgated pursuant to this subsection shall, to the maximum extent practicable, be consistent with the requirements of the Solid Waste Disposal Act, as amended. The Administrator may periodically revise any standard promulgated pursuant to this subsection.

42 U.S.C. 6901
note.

Rule.

“b. (1) As soon as practicable, but not later than eighteen months after the enactment of this section, the Administrator shall, by rule, promulgate standards of general application for the protection of the public health, safety, and the environment from radiological

¹⁹⁰ Public Law 95-604 (92 Stat. 3037) (1978), sec. 204(e), added a new subsec. o.

and non-radiological hazards associated with the processing and with the possession, transfer, and disposal of byproduct material, as defined in section 11 e. (2) of this Act, at sites at which ores are processed primarily for their source material content or which are used for the disposal of such byproduct material.

42 U.S.C. 2014.

“(2) Such generally applicable standards promulgated pursuant to this subsection for nonradiological hazards shall provide for the protection of human health and the environment consistent with the standards required under subtitle C of the Solid Waste Disposal Act, as amended, which are applicable to such hazards: *Provided, however,* That no permit issued by the Administrator is required under this Act or the Solid Waste Disposal Act, as amended, for the processing, possession, transfer, or disposal of byproduct material, as defined in section 11 e. (2) any standard promulgated pursuant to this subsection. Within three years after such revision of any such standard, the Commission and any State permitted to exercise authority under section 274 b. (2) shall apply such revised standard in the case of any license for byproduct material as defined in section 11 e. (2) or any revision thereof.

42 U.S.C. 2021.

“c. (1) Before the promulgation of any rule pursuant to this section, the Administrator shall publish the proposed rule in the Federal Register, together with a statement of the research, analysis, and other available information in support of such proposed rule, and provide a period of public comment of at least thirty days for written comments thereon and an opportunity, after such comment period and after public notice, for any interested person to present oral data, views, and arguments at a public hearing. There shall be a transcript of any such hearing. The Administrator shall consult with the Commission and the Secretary of Energy before promulgation of any such rule.

Publication
in Federal
Register.
Notice, hearing
opportunity.

Consultation.

“(2) Judicial review of any rule promulgated under this section may be obtained by any interested person only upon such person filing a petition for review within sixty days after such promulgation in the United States court of appeals for the Federal judicial circuit in which such person resides or has his principal place of business. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator. The Administrator thereupon shall file in the court the written submission to, and transcript of, the written or oral proceedings on which such rule was based as provided in section 2112 of title 28, United States Code. The court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. The judgment of the court affirming, modifying, or setting

Judicial review.

5 U.S.C. *et seq.*

aside, in whole or in part, any such rule shall be final, subject to judicial review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“(3) Any rule promulgated under this section shall not take effect earlier than sixty calendar days after such promulgation.

42 U.S.C. 2021.

“d. Implementation and enforcement of the standards promulgated pursuant to subsection b. of this section shall be the responsibility of the Commission in the conduct of its licensing activities under this Act. States exercising authority pursuant to section 274 b. (2) of this Act shall implement and enforce such standards in accordance with subsection o. of such section.

42 U.S.C. 2014.
42 U.S.C. 7401
note.

“e. Nothing in this Act applicable to byproduct material, as defined in section 11 e. (2) of this Act, shall affect the authority of the Administrator under the Clean Air Act of 1970, as amended, or the Federal Water Pollution Control Act, as amended.¹⁹¹

Separability.

“SEC. 281. SEPARABILITY.—If any provision of this Act or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Short title.

“SEC. 291. SHORT TITLE.—This Act may be cited as the ‘Atomic Energy Act of 1954’.”

SEC. 2.—

28 U.S.C.
2341 (3) (A).

a. Section 1 (d) of the Act of December 29, 1950 (64 Stat. 1129), is amended by inserting before the period at the end thereof a semicolon and the following: “when such order was entered by the Atomic Energy Commission, ‘agency’ means that Commission”.

28 U.S.C. 2342.
Court of
Appeals,
jurisdiction.

b. Section 2 of the Act of December 29, 1950 (64 Stat. 1129), is amended by inserting before the period at the end of the first paragraph thereof a comma and the following: “and (d) of the Atomic Energy Commission made reviewable by section 189 of the Atomic Energy Act of 1954, as amended”.

Sandia
retrocession.

SEC. 3. There is hereby retroceded to the State of New Mexico the exclusive jurisdiction heretofore acquired from the State of New Mexico by the United States of America over the following land of the United States Atomic Energy Commission in Bernalillo County and within the boundaries of the Sandia Base, Albuquerque, New Mexico.

Beginning at the center quarter corner of section 30, township 10 north, range 4 east, New Mexico principal meridian, Bernalillo County, New Mexico, thence south no degrees twenty-three minutes thirty seconds west one-

¹⁹¹ Public Law 95-604 (92 Stat. 3039) (1978), sec. 206(a), added sec. 275.

thousand nine hundred forty-seven and twenty one-hundredths feet, thence north eighty-nine degrees thirty-six minutes forty-five seconds east two thousand sixty-eight and forty one-hundredths feet, thence north eighty-nine degrees three minutes fifteen seconds east five hundred forty-six feet, thence north no degrees thirty-nine minutes no seconds east two hundred thirty-two and seventy one-hundredths feet, thence north eighty-nine degrees twenty-one minutes no seconds west eight hundred fifty-two and twenty one-hundredths feet, thence north no degrees thirty-nine minutes no seconds east five hundred and sixty one-hundredths feet, thence along the back of the south curb of West Sandia Drive, Sandia Base, Bernalillo County, New Mexico, eight hundred sixty-five and sixty one-hundredths feet, thence north no degrees thirty-nine minutes no seconds east one thousand three hundred thirty-five and three-tenths feet to a point south eight-nine degrees twenty-seven minutes forty-five seconds west a distance of thirty feet from the quarter corner common to sections 30 and 29, township 10 north, range 4 east, thence south eighty-nine degrees, twenty-seven minutes forty-five seconds west two thousand six hundred twenty-three and forty one-hundredths feet to the point of beginning.

This retrocession of jurisdiction shall take effect upon acceptance by the State of New Mexico.

“CHAPTER 20. JOINT COMMITTEE ON ATOMIC ENERGY ABOLISHED; FUNCTIONS AND RESPONSIBILITIES REASSIGNED

“SEC. 301. JOINT COMMITTEE ON ATOMIC ENERGY 42 U.S.C. 2253.
ABOLISHED.—

“a. The Joint Committee on Atomic Energy is abolished.

“b. Any reference in any rule, resolution, or order of the Senate or the House of Representatives or in any law, regulation, or Executive order to the Joint Committee on Atomic Energy shall, on and after the date of enactment of this section, be considered as referring to the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matter of such reference.

“c. All records, data, charts, and files of the Joint Committee on Atomic Energy are transferred to the committees of the Senate and House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matters to which such records, data, charts, and files relate. In the event that any record, data, chart, or file shall be within the jurisdiction of more than one committee, duplicate copies shall be provided upon request.

Records,
transfer

"SEC. 302. TRANSFERS OF CERTAIN FUNCTIONS OF THE JOINT COMMITTEE ON ATOMIC ENERGY AND CONFORMING AMENDMENTS TO CERTAIN OTHER LAWS.—

Repeal.
42 U.S.C. 2251
et seq.

"a. Effective on the date of enactment of this section, chapter 17 of this Act is repealed.

Repeal.
42 U.S.C. 2315.

"b. Section 103 of the Atomic Energy Community Act of 1955, as amended, is repealed.

"c. Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

Repeal.

"(1) striking the subsection designation '(a)'; and

Repeal.
2 U.S.C. 190j.

"(2) repealing subsection (b).

"d. Section 252(a) (3) of the Legislative Reorganization Act of 1970 is repealed.

42 U.S.C. 2259.

"SEC. 303. INFORMATION AND ASSISTANCE TO CONGRESSIONAL COMMITTEES.—

"a. The Secretary of Energy and the Nuclear Regulatory Commission shall keep the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the functions of the Secretary or the Commission, fully and currently informed with respect to the activities of the Secretary and the Commission.

"b. The Department of Defense and Department of State shall keep the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over national security considerations of nuclear energy, fully and currently informed with respect to such matters within the Department of Defense and Department of State relating to national security considerations of nuclear technology which are within the jurisdiction of such committees.

"c. Any Government agency shall furnish any information requested by the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the development, utilization, or application of nuclear energy, with respect to the activities or responsibilities of such agency in the field of nuclear energy which are within the jurisdiction of such committees.

"d. The committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the development, utilization, or application of nuclear energy, are authorized to utilize the services, information, facilities, and personnel of any Government agency which has activities or responsibilities in the field of nuclear energy which are within the jurisdiction of such committees: *Provided, however,* That any utilization of personnel by such committees shall be on a reimbursable basis and shall require, with respect to committees of the Senate, the prior written consent of the Committee on Rules and Administration, and with respect to committees of the House of

Representatives, the prior written consent of the Committee on House Administration.¹⁹²

Approved August 30, 1954, 9:44 a.m., E.D.T.

¹⁹² Public Law 95-110 (91 Stat. 884) (1977) added chapter 20.

PART II. ENERGY REORGANIZATION ACT OF 1974

PUBLIC LAW 93-438 [H.R. 11510]

[88 STAT. 1233]

AN ACT

To reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a new Nuclear Regulatory Commission in order to promote more efficient management of such functions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Energy Reorganization Act of 1974, as amended, is amended to read as follows:

“ENERGY REORGANIZATION ACT OF 1974

“Sec. 1. Short Title.	42 U.S.C. sec 5801
“Sec. 2. Declaration of Purpose.	5801

“TITLE I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

“Sec. 101. Establishment.	5811
“Sec. 102. Officers.	5812
“Sec. 103. Responsibilities of the Administrator.	5813
“Sec. 104. Abolition and Transfers.	5814
“Sec. 105. Administrative Provisions.	5815
“Sec. 106. Personnel and Services.	5816
“Sec. 107. Powers.	5817
“Sec. 109. Future Reorganization.	5819
“Sec. 110. Coordination with Environmental Efforts.	5820
“Sec. 111. Provisions Applicable To Annual Authorization Acts.	5821

“TITLE II—NUCLEAR REGULATORY COMMISSION

“Sec. 201. Establishment and Transfers.	5841
“Sec. 202. Licensing and Related Regulatory Functions Respecting Selected Administration Facilities.	5842
“Sec. 203. Office of Nuclear Reactor Regulation	5843
“Sec. 204. Office of Nuclear Material Safety and Safeguards.	5844
“Sec. 205. Office of Nuclear Regulatory Research.	5845
“Sec. 206. Noncompliance.	5846
“Sec. 207. Nuclear Energy Center Site Survey.	5847
“Sec. 208. Abnormal Occurrence Reports.	5848
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Energy Re-
organization
Act of 1974.

"SHORT TITLE

42 U.S.C. 5801
note.

"SECTION 1. The Act may be cited as the 'Energy Re-organization Act of 1974.'

"DECLARATION OF PURPOSE

42 U.S.C. 5801.

"SEC. 2. (a) The Congress hereby declares that the general welfare and the common defense and security require effective action to develop, and increase the efficiency and reliability of use of, all energy sources to meet the needs of present and future generations, to increase the productivity of the national economy and strengthen its position in regard to international trade, to make the Nation self-sufficient in energy, to advance the goals of restoring, protecting, and enhancing environmental quality, and to assure public health and safety.

Energy Re-
search and
Development
Administration,
establishment.

"(b) The Congress finds that, to best achieve these objectives, improve Government operations, and assure the coordinated and effective development of all energy sources, it is necessary to establish an Energy Research and Development Administration to bring together and direct Federal activities relating to research and development on the various sources of energy, to increase the efficiency and reliability in the use of energy, and to carry out the performance of other functions, including but not limited to the Atomic Energy Commission's military and production activities and its general basic research activities. In establishing an Energy Research and Development Administration to achieve these objectives, the Congress intends that all possible sources of energy be developed consistent with warranted priorities.

88 Stat. 1233.
88 Stat. 1234.

“(c) The Congress finds that it is in the public interest that the licensing and related regulatory functions of the Atomic Energy Commission be separated from the performance of the other functions of the Commission, and that this separation be effected in an orderly manner, pursuant to this Act, assuring adequacy of technical and other resources necessary for the performance of each.

Separation of
AEC licensing
and regulatory
functions.

“(d) The Congress declares that it is in the public interest and the policy of Congress that small business concerns be given a reasonable opportunity to participate, insofar as is possible, fairly and equitably in grants, contracts, purchases, and other Federal activities relating to research, development, and demonstration of sources of energy efficiency, and utilization and conservation of energy. In carrying out this policy, to the extent practicable, the Administrator shall consult with the Administrator of the Small Business Administration.

Small business
participation.

“(e) Determination of priorities which are warranted should be based on such considerations as power-related values of an energy source, preservation of material resources, reduction of pollutants, export market potential (including reduction of imports), among others. On such a basis, energy sources warranting priority might include, but not be limited to, the various methods of utilizing solar energy.

Priorities.

“TITLE I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

“ESTABLISHMENT

“SEC. 101. There is hereby established an independent executive agency to be known as the Energy Research and Development Administration (hereinafter in this Act referred to as the ‘Administration’).

42 U.S.C. 5811.

“OFFICERS

“SEC. 102. (a) There shall be at the head of the Administration an Administrator of Energy Research and Development (hereinafter in this Act referred to as the ‘Administrator’), who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. A person may not be appointed as Administrator within two years after release from active duty as a commissioned officer of a regular component of an Armed Force. The Administration shall be administered under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

Administrator.
42 U.S.C. 5812.

“(b) There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

Deputy
Administrator.

88 Stat. 1234.
58 Stat. 1235.

Assistant
Adminis-
trators.

“(c) The President shall appoint the Administrator and Deputy Administrator from among individuals who, by reason of their general background and experience are specially qualified to manage a full range of energy research and development programs.

“(d) There shall be in the Administration six Assistant Administrators, one of whom shall be responsible for fossil energy, another for nuclear energy, another for environment and safety, another for conservation, another for solar, geothermal, and advanced energy systems, and another for national security. The Assistant Administrators shall be appointed by the President, by and with the advice and consent of the Senate. The President shall appoint each Assistant Administrator from among individuals who, by reason of general background and experience, are specially qualified to manage the energy technology area assigned to such Assistant Administrator.

General
Counsel.

“(e) There shall be in the Administration a General Counsel who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator.

Additional
officers.

“(f) There shall be in the Administration not more than eight additional officers appointed by the Administrator. The positions of such officers shall be considered career positions and be subject to subsection 161 d. of the Atomic Energy Act.

Director of
Military
Application.

“(g) The Division of Military Application transferred to and established in the Administration by section 104 (d) of this Act shall be under the direction of a Director of Military Application, who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator and shall be an active commissioned officer of the Armed Forces serving in general or flag officer rank or grade. The functions, qualifications, and compensation of the Director of Military Application shall be the same as those provided under the Atomic Energy Act of 1954, as amended, for the Assistant General Manager for Military Application.

42 U.S.C. 2011
note.

“(h) Officers appointed pursuant to this section shall perform such functions as the Administrator shall specify from time to time. The Administrator shall delegate to one such officer the special responsibility for international cooperation in all energy and related environmental research and development.

International
cooperation.

Order of
succession.

“(i) The Deputy Administrator (or in the absence or disability of the Deputy Administrator, or in the event of a vacancy in the office of the Deputy Administrator, an Assistant Administrator, the General Counsel or such other official, determined according to such order as the Administrator shall prescribe) shall act for and perform the functions of the Administrator during any absence

or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

“RESPONSIBILITIES OF THE ADMINISTRATOR

“SEC. 103. The responsibilities of the Administrator 42 U.S.C. 5813.
shall include, but not be limited to—

“(1) exercising central responsibility for policy planning, coordination, support, and management of research and development programs respecting all energy sources, including assessing the requirements for research and development in regard to various energy sources in relation to near-term and long-range needs, policy planning in regard to meeting those requirements, undertaking programs for the optimal development of the various forms of energy sources, managing such programs, and disseminating information resulting therefrom;

88 Stat. 1235.
88 Stat. 1236.

“(2) encouraging and conducting research and development, including demonstration of commercial feasibility and practical applications of the extraction, conversion, storage, transmission, and utilization phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy sources;

“(3) engaging in and supporting environmental, biomedical, physical, and safety research related to the development of energy sources and utilization technologies;

“(4) taking into account the existence, progress, and results of other public and private research and development activities, including those activities of the Federal Energy Administration relating to the development of energy resources using currently available technology in promoting increased utilization of energy resources, relevant to the Administration's mission in formulating its own research and development programs;

“(5) participating in and supporting cooperative research and development projects which may involve contributions by public or private persons or agencies, of financial or other resources to the performance of the work;

“(6) developing, collecting, distributing, and making available for distribution, scientific and technical information concerning the manufacture or development of energy and its efficient extraction, conversion, transmission, and utilization;

“(7) establishing, in accordance with the National Energy Extension Service Act, an Energy Extension Service to provide technical assistance, instruction, and practical demonstration on energy conservation measures and alternative energy systems to

individuals, businesses, and State and local government officials;¹

“(8) creating and encouraging the development of general information to the public on all energy conservation technologies and energy sources as they become available for general use, and the Administrator, in conjunction with the Administrator of the Federal Energy Administration shall, to the extent practicable, disseminate such information through the use of mass communications;

“(9) encouraging and conducting research and development in energy conservation, which shall be directed toward the goals of reducing total energy consumption to the maximum extent practicable, and toward maximum possible improvement in the efficiency of energy use. Development of new and improved conservation measures shall be conducted with the goal of the most expeditious possible application of these measures;

“(10) encouraging and participating in international cooperation in energy and related environmental research and development;

88 Stat. 1236.
88 Stat. 1237.

“(11) helping to assure an adequate supply of manpower for the accomplishment of energy research and development programs, by sponsoring and assisting in education and training activities in institutions of higher education, vocational schools, and other institutions, and by assuring the collection, analysis, and dissemination of necessary manpower supply and demand data;

“(12) encouraging and conducting research and development in clean and renewable energy sources.

“ABOLITION AND TRANSFERS

Atomic
Energy
Commission.
42 U.S.C. 5814.

“SEC. 104. (a) The Atomic Energy Commission is hereby abolished. Sections 21 and 22 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2031 and 2032) are repealed.

“(b) All other functions of the Commission, the Chairman and members of the Commission, and the officers and components of the Commission are hereby transferred or allowed to lapse pursuant to the provisions of this Act.

“(c) There are hereby transferred to and vested in the Administrator all functions of the Atomic Energy Commission, the Chairman and members of the Commission, and the officers and components of the Commission, except as otherwise provided in this Act.

¹ Public Law 95-39 (91 Stat. 200) (1977), sec. 510(a), amended sec. 103 by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively, and inserted a new paragraph (7).

“(d) The General Advisory Committee established pursuant to section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the Patent Compensation Board established pursuant to section 157 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2187) and the Divisions of Military Application and Naval Research established pursuant to section 25 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2035), are transferred to the Energy Research and Development Administration and the functions of the Commission with respect thereto, and with respect to relations with the Military Liaison Committee established by section 27 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2037), are transferred to the Administrator.

“(e) There are hereby transferred to and vested in the Administrator such functions of the Secretary of the Interior, the Department of the Interior, and officers and components of such department—

Interior
Department
functions.

“(1) as relate to or are utilized by the Office of Coal Research established pursuant to the Act of July 1, 1960 (74 Stat. 336; 30 U.S.C. 661-668);

“(2) as relate to or are utilized in connection with fossil fuel energy research and development programs and related activities conducted by the Bureau of Mines ‘energy centers’ and synthane plant to provide greater efficiency in the extraction, processing, and utilization of energy resources for the purpose of conserving those resources, developing alternative energy resources such as oil and gas secondary and tertiary recovery, oil shale and synthetic fuels, improving methods of managing energy-related wastes and pollutants, and providing technical guidance needed to establish and administer national energy policies; and

“(3) as relate to or are utilized for underground electric power transmission research.

The Administrator shall conduct a study of the potential energy applications of helium and, within six months from the date of the enactment of this Act, report to the President and Congress his recommendations concerning the management of the Federal helium programs, as they relate to energy.

88 Stat. 1238.
Helium
applications
study.

88 Stat. 1238.
Report to
President and
Congress.

“(f) There are hereby transferred to and vested in the Administrator such functions of the National Science Foundation as relate to or are utilized in connection with—

National
Science
Foundation
functions.

“(1) solar heating and cooling development; and

“(2) geothermal power development.

“(g) There are hereby transferred to and vested in the Administrator such functions of the Environmental Protection Agency and the officers and components thereof as

Environmental
Protection
Agency
functions.

relate to or are utilized in connection with research, development, and demonstration, but not assessment or monitoring for regulatory purposes, of alternative automotive power systems.

“(h) To the extent necessary or appropriate to perform functions and carry out programs transferred by this Act, the Administrator and Commissions may exercise, in relation to the functions so transferred, any authority or part thereof available by law, including appropriation Acts, to the official or agency from which such functions were transferred.

Use of other
agencies’
capabilities.

“(i) In the exercise of his responsibilities under section 103, the Administrator shall utilize, with their consent, to the fullest extent he determines advisable the technical and management capabilities of other executive agencies having facilities, personnel, or other resources which can assist or advantageously be expanded to assist in carrying out such responsibilities. The Administrator shall consult with the head of each agency with respect to such facilities, personnel, or other resources, and may assign, with their consent, specific programs or projects in energy research and development as appropriate. In making such assignments under this subsection, the head of each such agency shall insure that—

“(1) such assignments shall be in addition to and not detract from the basic mission responsibilities of the agency, and

“(2) such assignments shall be carried out under such guidance as the Administrator deems appropriate.

“ADMINISTRATIVE PROVISIONS

Regulations.
42 U.S.C. 5815.

“SEC. 105. (a) The Administrator is authorized to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

Policy plan-
ning and
evaluation.

“(b) The Administrator shall engage in such policy planning, and perform such program evaluation analyses and other studies, as may be necessary to promote the efficient and coordinated administration of the Administration and properly assess progress toward the achievement of its missions.

Delegation of
functions.

“(c) Except as otherwise expressly provided by law, the Administrator may delegate any of his functions to such officers and employees of the Administration as he may designate, and may authorize such successive re-delegations of such functions as he may deem to be necessary or appropriate.

Organization.

“(d) Except as provided in section 102 and in section 104(d), the Administrator may organize the Administration as he may deem to be necessary or appropriate.

"(e) The Administrator is authorized to establish, maintain, alter, or discontinue such State, regional, district, local, or other field offices as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him. **Field offices.**

"(f) The Administrator shall cause a seal of office to be made for the Administration of such device as he shall approve, and judicial notice shall be taken of such seal. **88 Stat. 1239. Seal.**

"(g) The Administrator is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency. There shall be transferred to the fund the stocks of supplies, equipment, assets other than real property, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized. The working capital fund shall recover, from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, amounts which will approximate the costs incurred, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from the sale or exchange of its property, and receipts in payment for loss or damage to property owned by the fund. **Working capital fund.**

"(h) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Administrator, upon his request, any information or other data which the Administrator deems necessary to carry out his duties under this title. **Information from other agencies.**

"PERSONNEL AND SERVICES

"SEC. 106. (a) The Administrator is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, pursuant to section 161 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201(d)) as are necessary to perform the functions now or hereafter vested in him and to prescribe their functions. **Appointment and pay. 42 U.S.C. 5816.**

"(b) The Administrator is authorized to obtain services as provided by section 3109 of title 5 of the United States Code. **Experts and consultants.**

"(c) The Administrator is authorized to provide for participation of military personnel in the performance of his functions. Members of the Army, the Navy, the Air Force, or the Marine Corps may be detailed for service in the Administration by the appropriate military Secre- **Military personnel.**

tary, pursuant to cooperative agreements with the Secretary, for service in the Administration in positions other than a position the occupant of which must be approved by and with the advice and consent of the Senate.

“(d) Appointment, detail, or assignment to, acceptance of, and service in, any appointive or other position in the Administration under this section shall in no way affect the status, office, rank, or grade which such officers or enlisted men may occupy or hold, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A member so appointed, detailed, or assigned shall not be subject to direction or control by his Armed Force, or any officer thereof, directly or indirectly, with respect to the responsibilities exercised in the position to which appointed, detailed, or assigned.

Transporta-
tion and
per diem.

“(e) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5 of the United States Code for travel between places of recruitment and duty, and while at places of duty, of persons appointed for emergency, temporary, or seasonal services in the field service of the Administration.

88 Stat. 1240.
Personnel of
other agencies.

“(f) The Administrator is authorized to utilize, on a reimbursable basis, the services of any personnel made available by any department, agency, or instrumentality, including any independent agency of the Government.

Advisory
boards.

“(g) The Administrator is authorized to establish advisory boards, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-463), to advise with and make recommendations to the Administrator on legislation, policies, administration, research, and other matters.

5 U.S.C. app. I.

Noncitizens.

“(h) The Administrator is authorized to employ persons who are not citizens of the United States in expert, scientific, technical, or professional capacities whenever he deems it in the public interest.

“POWERS

Research and
development.

42 U.S.C. 5817.

“SEC. 107. (a) The Administrator is authorized to exercise his powers in such manner as to insure the continued conduct of research and development and related activities in areas or fields deemed by the Administrator to be pertinent to the acquisition of an expanded fund of scientific, technical, and practical knowledge in energy matters. To this end, the Administrator is authorized to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities with private or public institutions or persons, including participation in joint or cooperative projects of a research, developmental, or experimental nature; to make

Contracts, etc.

payments (in lump sum or installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments); and generally to take such steps as he may deem necessary or appropriate to perform functions now or hereafter vested in him. Such functions of the Administrator under this Act as are applicable to the nuclear activities transferred pursuant to this title shall be subject to the provisions of the Atomic Energy Act of 1954, as amended, and to other authority applicable to such nuclear activities. The non-nuclear responsibilities and functions of the Administrator referred to in sections 103 and 104 of this Act shall be carried out pursuant to the provisions of this Act, applicable authority existing immediately before the effective date of this Act, or in accordance with the provisions of chapter 4 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2051-2053).

42 U.S.C. 2011
note.

“(b) Except for public buildings as defined in the Public Buildings Act of 1959, as amended, and with respect to leased space subject to the provisions of Reorganization Plan Numbered 18 of 1950, the Administrator is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain facilities and real property as the Administrator deems to be necessary in and outside of the District of Columbia. Such authority shall apply only to facilities required for the maintenance and operation of laboratories, research and testing sites and facilities, quarters, and related accommodations for employees and dependents of employees of the Administration, and such other special-purpose real property as the Administrator deems to be necessary in and outside the District of Columbia. Title to any property or interest therein, real, personal, or mixed, acquired pursuant to this section, shall be in the United States.

Facilities and
real property.
40 U.S.C. 601
note.
5 U.S.C.
app. II.

“(c) (1) The Administrator is authorized to provide, construct, or maintain, as necessary and when not otherwise available, the following for employees and their dependents stationed at remote locations:

Services for
employees
at remote
locations.

“(A) Emergency medical services and supplies.

“(B) Food and other subsistence supplies.

“(C) Messing facilities.

88 Stat. 1241.

“(D) Audiovisual equipment, accessories, and supplies for recreation and training.

“(E) Reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons.

“(F) Living and working quarters and facilities.

“(G) Transportation for school-age dependents of employees to the nearest appropriate educational facilities.

"(2) The furnishing of medical treatment under subparagraph (A) of paragraph (1) and the furnishing of services and supplies under paragraphs (B) and (C) of paragraph (1) shall be at prices reflecting reasonable value as determined by the Administrator.

"(3) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of such work or services, to repay or make advances to appropriations or funds which do or will bear all or a part of such cost, or to refund excess sums when necessary; except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing such funds, if the fund is available for use by the Administrator for performing the work or services for which payment is received.

Acquisition of
copyrights,
patents, etc.

"(d) The Administrator is authorized to acquire any of the following described rights if the property acquired thereby is for use in, or is useful to, the performance of functions vested in him:

"(1) Copyrights, patents, and applications for patents, designs, processes, specifications, and data.

"(2) Licenses under copyrights, patents, and applications for patents.

"(3) Releases, before suit is brought, for past infringement of patents or copyrights.

Dissemination
of information.

"(e) Subject to the provisions of chapter 12 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2161-2166), and other applicable law, the Administrator shall disseminate scientific, technical, and practical information acquired pursuant to this title through information programs and other appropriate means, and shall encourage the dissemination of scientific, technical, and practical information relating to energy so as to enlarge the fund of such information and to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding.

Gifts and
bequests.

"(f) The Administrator is authorized to accept, hold, administer, and utilize gifts, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Administrator. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to the United States.

"SEC. 108.²

² Public Law 95-91 (91 Stat. 608) (1977), repealed sec. 108, which read as follows: "(a) There is established in the Executive Office of the President an Energy Resources Council. The Council shall be composed of the Secretary of the Interior, the Administrator of the Federal Energy Administration, the Administrator of the Energy Research and Development Administration, the Secretary of State, the Director, Office of

"FUTURE REORGANIZATION

"SEC. 109. (a) The President shall transmit to the Congress as promptly as possible, but not later than June 30, 1975, such additional recommendations as he deems advisable for organization of energy and related functions in the Federal Government, including, but not limited to, whether or not there shall be established (1) a Department of Energy and Natural Resources, (2) an Energy Policy Council, and (3) a consolidation in whole or in part of regulatory functions concerning energy.

"(b) This report shall replace and serve the purposes of the report required by section 15(a) (4) of the Federal Energy Administration Act.

Report to
Congress.
42 U.S.C. 5819.

Ante, p. 109.

"COORDINATION WITH ENVIRONMENTAL EFFORTS

"SEC. 110. The Administrator is authorized to establish programs to utilize research and development performed by other Federal agencies to minimize the adverse environmental effects of energy projects. The Administrator of the Environmental Protection Agency, as well as other affected agencies and departments, shall cooperate fully with the Administrator in establishing and maintaining such programs, and in establishing appropriate inter-

42 U.S.C. 5820.

(Continued)

Management and Budget, and such other officials of the Federal Government as the President may designate. The President shall designate one of the members of the Council to serve as Chairman.

"(b) It shall be the duty and function of the Council to—

"(1) insure communication and coordination among the agencies of the Federal Government which have responsibilities for the development and implementation of energy policy or for the management of energy resources;

"(2) make recommendations to the President and to the Congress for measures to improve the implementation of Federal energy policies or the management of energy resources with particular emphasis upon policies and activities involving two or more Departments or independent agencies;

"(3) advise the President in the preparation of the reorganization recommendations required by section 110 of this Act; and

"(4) insure that Federal agencies fully discharge their responsibilities under sections 507 and 508 of the National Energy Extension Service Act for coordination and planning of their related activities under such Act and any other law, including but not limited to the Energy Policy and Conservation Act.*

"(c) The Chairman of the Council may not refuse to testify before the Congress or any duly authorized committee thereof regarding the duties of the Council or other matters concerning interagency coordination of energy policy and activities.

"(d) This section shall be effective no later than sixty days after the enactment of this Act or such earlier date as the President shall prescribe and publish in the Federal Register, and shall terminate upon enactment of a permanent department responsible for energy and natural resources or two years after such effective date, whichever shall occur first.

"(e) There is hereby established an Energy Conservation Subcommittee within the Council, which shall be chaired by the Administrator of the Energy Research and Development Administration, to discharge the responsibilities specified in subsection (b) (4) of this section and other related functions associated with the coordination and management of Federal efforts in the areas of energy conservation and energy conservation research, development and demonstration.**

*Public Law 95-39 (91 Stat. 200) (1977), sec. 510(b) amended sec. 108(b) by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and", and added a new paragraph (4).

**Public Law 95-39 (91 Stat. 200) (1977), sec. 510(c), amended sec. 108, by adding a new subsec. (e).

agency agreements to develop cooperative programs and to avoid unnecessary duplication.

“PROVISIONS APPLICABLE TO ANNUAL AUTHORIZATION ACTS

42 U.S.C. 5821.

42 U.S.C. 2017.

42 U.S.C. 5915.
Post, p. 81.

“Operating
expenses”,
appropriations.

“SEC. 111. (a) All appropriations made to the Energy Research and Development Administration or the Administrator shall, except as otherwise provided by law, be subject to annual authorization in accordance with section 261 of the Atomic Energy Act of 1954, section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and section 305 of this Act. The provisions of this section shall apply with respect to appropriations made pursuant to the Act providing such authorization (hereinafter in this section referred to as ‘annual authorization Acts’).

“(b) (1) Funds appropriated pursuant to an annual authorization Act for ‘Operating expenses’ may be used for—

“(A) the construction or acquisition of any facilities, or major items of equipment, which may be required at locations other than installations of the Administration, for the performance of research, development, and demonstration activities, and

“(B) grants to any organization for purchase or construction of research facilities.

No such funds shall be used under this subsection for the acquisition of land. Fee title to all such facilities and items of equipment shall be vested in the United States, unless the Administrator or his designee determines in writing that the research, development, and demonstration authorized by such Act would best be implemented by permitting fee title or any other property interest to be vested in an entity other than the United States; but before approving the vesting of such title or interest in such entity, the Administrator shall (i) transmit such determination, together with all pertinent data, to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and (ii) wait a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain), unless prior to the expiration of such period each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Report to
congressional
committees.

Expenditure
limitations.

“(2) No funds shall be used under paragraph (1) for any facility or major item of equipment, including collateral equipment, if the estimated cost to the Federal

Government exceeds \$5,000,000 in the case of such a facility or \$2,000,000 in the case of such an item of equipment, unless such facility or item has been previously authorized by the appropriate committees of the House of Representatives and the Senate, or the Administrator—

Report to congressional committees.

“(A) transmit to the appropriate committees of the House of Representatives and the Senate a report on such facility or item showing its nature, purpose, and estimated cost, and

“(B) waits a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain), unless prior to the expiration of such period each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Limitation.

“(c) (1) Not to exceed 1 per centum of all funds appropriated pursuant to any annual authorization Act for ‘Operating expenses’ may be used by the Administrator to construct, expand, or modify laboratories and other facilities, including the acquisition of land, at any location under the control of the Administrator, if the Administrator determines that (A) such action would be necessary because of changes in the national programs authorized to be funded by such Act or because of new scientific or engineering developments, and (B) deferral of such action until the enactment of the next authorization Act would be inconsistent with the policies established by Congress for the Administration.

Report, transmittal to congressional committees. Notice.

“(2) No funds may be obligated for expenditure or expended under paragraph (1) for activities described in such paragraph unless—

“(A) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the Administrator has transmitted to the appropriate committees of the House of Representatives and the Senate a written report containing a full and complete statement concerning (i) the nature of the construction, expansion, or modification involved, (ii) the cost thereof, including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary and in the national interest, or

“(B) each such committee before the expiration of such period has transmitted to the Administrator a written notice to the effect that such committee has

Report,
transmittal to
congressional
committees.
Notice.

no objection to the proposed action;
except that this paragraph shall not apply to any project
the estimated total cost of which does not exceed \$50,000.

“(d) (1) Except as otherwise provided in the authorization Act involved—

“(A) no amount appropriated pursuant to any annual authorization Act may be used for any program in excess of the amount actually authorized for that particular program by such Act, and

“(B) no amount appropriated pursuant to any annual authorization Act may be used for any program which has not been presented to, or requested of the Congress,

unless (i) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the receipt by the appropriate committees of the House of Representatives and the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (ii) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

“(2) Notwithstanding any other provision of this section or the authorization Act involved, the aggregate amount available for use within the categories of coal, petroleum and natural gas, oil shale, solar, geothermal, nuclear energy (non-weapons), environment and safety, and conservation from sums appropriated pursuant to an annual authorization Act may not, as a result of reprogramming, be decreased by more than 10 per centum of the total of the sums appropriated pursuant to such Act for those categories.

Funds merger,
limitations.

“(e) Subject to the applicable requirements and limitations of this section and the authorization Act involved, when so specified in an appropriation Act, amounts appropriated pursuant to any annual authorization Act for ‘Operating expenses’ or for ‘Plant and capital equipment’ may be merged with any other amounts appropriated for like purposes pursuant to any other Act authorizing appropriations for the Administration: *Provided*, That no such amounts appropriated for ‘Plant and capital equipment’ may be merged with amounts appropriated for ‘Operating expenses’.

“(f) When so specified in an appropriation Act, amounts appropriated pursuant to any annual authoriza-

tion Act for 'Operating expenses' or for 'Plant and capital equipment' may remain available until expended.

"(g) The Administrator is authorized to perform construction design services for any administration construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Administration, and (2) the Administration determines that the project is of such urgency in order to meet the needs of national defense or protection of life and property or health and safety that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Construction
design services.

"(h) When so specified in appropriation Acts, any moneys received by the Administration may be retained and used for operating expenses, and may remain available until expended, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484); except that—

"(1) this subsection shall not apply with respect to sums received from disposal of property under the Atomic Energy Community Act of 1955 or the Strategic and Critical Materials Stockpiling Act, as amended, or with respect to fees received for tests or investigations under the Act of May 16, 1910, as amended (42 U.S.C. 2301; 50 U.S.C. 98h; 30 U.S.C. 7); and

"(2) revenues received by the Administration from the enrichment of uranium shall (when so specified) be retained and used for the specific purpose of offsetting costs incurred by the Administration in providing uranium enrichment service activities.

"(i) When so specified in an appropriation Act, transfers of sums from the 'Operating expenses' appropriation made pursuant to an annual authorization Act may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriations to which they are transferred.³

Funds.
transfer.

"TITLE II—NUCLEAR REGULATORY "COMMISSION

"ESTABLISHMENT AND TRANSFERS

"SEC. 201. (a) (1)⁴ There is established an independent regulatory commission to be known as the Nuclear Regu-

Members and
Chairman.
42 U.S.C. 5341.

³ Public Law 95-238 (92 Stat. 56) (1978), sec. 201 added sec. 111.

⁴ Public Law 94-79 (89 Stat. 413) (1975), sec. 201 added "(1)" immediately after "Sec. 201. (a)."

88 Stat. 1243.

latory Commission which shall be composed of five members, each of whom shall be a citizen of the United States. The President shall designate one member of the Commission as Chairman thereof to serve as such during the pleasure of the President. The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission, shall have full access to all information relating to the performance of his duties or responsibilities, and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or Acting Chairman in the absence of the Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public, and, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct. The Commission shall have an official seal which shall be judicially noticed.

Seal.

Commission
Chairman,
functions.42 U.S.C. 5801
note.

“(2) The Chairman of the Commission shall be the principal executive officer of the Commission, and he shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to (a) the appointment and supervision of personnel employed under the Commission (other than personnel employed regularly and full time in the immediate offices of Commissioners other than the Chairman, and except as otherwise provided in the Energy Reorganization Act of 1974), (b) the distribution of business among such personnel and among administrative units of the Commission, and (c) the use and expenditure of funds.

“(3) In carrying out any of his functions under the provisions of this section the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

"(4) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

"(5) There are hereby reserved to the Commission its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major programs and purposes.⁵

"(b) (1) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) Appointments of members pursuant to this subsection shall be made in such a manner that not more than three members of the Commission shall be members of the same political party.

"(c) Each member shall serve for a term of five years, each such term to commence on July 1, except that of the five members first appointed to the Commission, one shall serve for one year, one for two years, one for three years, one for four years, and one for five years, to be designated by the President at the time of appointment; and except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. For the purpose of determining the expiration date of the terms of office of the five members first appointed to the Nuclear Regulatory Commission, each such term "shall" be deemed to have begun July 1, 1975.⁶

"(d) Such initial appointments shall be submitted to the Senate within sixty days of the signing of this Act. Any individual who is serving as a member of the Atomic Energy Commission at the time of the enactment of this Act, and who may be appointed by the President to the Commission, shall be appointed for a term designated by the President, but which term shall terminate not later than the end of his present term as a member of the

Term of Office.
42 U.S.C. 5841.

Submission of
appointments
to Senate.

⁵ Public Law 94-79 (89 Stat. 413) (1975). Sec. 201 amended subsec. 201(a) by adding new subparagraphs (2) through (5).

⁶ Public Law 94-79 (89 Stat. 413) (1975), secs. 202 and 203, amended subsec. 201(c). Prior to amendment this subsection read as follows:

"(c) Each member shall serve for a term of five years, each such term to commence on July 1, except that of the five members first appointed to the Commission, one shall serve for one year, one for two years, one for three years, one for four years, and one for five years, to be designated by the President at the time of appointment."

Atomic Energy Commission, without regard to the requirements of subsection (b) (2) of this section. Any subsequent appointment of such individuals shall be subject to the provisions of this section.

“(e) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. No member of the Commission shall engage in any business, vocation, or employment other than that of serving as a member of the Commission.

Transfer of
AEC functions
and personnel.

“(f) There are hereby transferred to the Commission all the licensing and related regulatory functions of the Atomic Energy Commission, the Chairman and members of the Commission, the General Counsel, and other officers and components of the Commission—which functions, officers, components, and personnel are excepted from the transfer to the Administrator by section 104(c) of this Act.

Additional
transfers

“(g) In addition to other functions and personnel transferred to the Commission, there are also transferred to the Commission—

“(1) the functions of the Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Board;

88 Stat. 1244.

“(2) such personnel as the Director of the Office of Management and Budget determines are necessary for exercising responsibilities under section 205, relating to, research, for the purpose of confirmatory assessment relating to licensing and other regulation under the provisions of the Atomic Energy Act of 1954, as amended, and of this Act.

42 U.S.C. 2011
note.
Commission
Personnel.
Quarterly
report to
Congress.
42 U.S.C. 5841.

“(h) The Commission shall prepare and submit to the Congress a quarterly report which documents, for grades GS-11 or above:

“(1) the number of minority and women candidates hired, by grade level;

“(2) the number of minority and women employees promoted, by grade level;

“(3) the procedures followed by the Commission in preparing job descriptions, informing potential applicants, and selecting from candidates the persons to be employed in positions at grade GS-11 or above; and

“(4) other steps taken to meet provisions of the Equal Employment Act.

42 U.S.C.
2000e.

The first such quarterly report shall be submitted to the Congress not later than January 31, 1978, and subsequent reports shall be submitted prior to the end of one calendar month after the end of each calendar quarter thereafter.⁷

⁷ Public Law 95-209 (91 Stat. 1482) (1977), sec. 2, added a new subsec. h.

"LICENSING AND RELATED REGULATORY FUNCTIONS RESPECTING SELECTED ADMINISTRATION FACILITIES

"SEC. 202. Notwithstanding the exclusions provided for in section 110 a. or any other provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(a)), the Nuclear Regulatory Commission shall, except as otherwise specifically provided by section 110 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(b)), or other law, have licensing and related regulatory authority pursuant to chapters 6, 7, 8, and 10 of the Atomic Energy Act of 1954, as amended, as to the following facilities of the Administration: 42 U.S.C. 5842.

"(1) Demonstration Liquid Metal Fast Breeder reactors when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

"(2) Other demonstrations nuclear reactors—except those in existence on the effective date of this Act—when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

"(3) Facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such Act.

"(4) Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive waste generated by the Administration, which are not used for, or are part of, research and development activities.

"OFFICE OF NUCLEAR REACTOR REGULATION

"SEC. 203. (a) There is hereby established in the Commission an Office of Nuclear Reactor Regulation under the direction of a Director of Nuclear Reactor Regulation, who shall be appointed by the Commission, who may report directly to the Commission, as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission. Establishment.
42 U.S.C. 5843.
Director.

"(b) Subject to the provisions of this Act, the Director of Nuclear Reactor Regulation shall perform such functions as the Commission shall delegate including: Functions.

"(1) Principal licensing and regulation involving all facilities, and materials licensed under the Atomic Energy Act of 1954, as amended, associated with the construction and operation of nuclear re- 42 U.S.C. 2011
note.

actors licensed under the Atomic Energy Act of 1954, as amended;

“(2) Review the safety and safeguards of all such facilities, materials, and activities, and such review functions shall include, but not be limited to—

88 Stat. 1245.

“(A) monitoring, testing and recommending upgrading of systems designed to prevent substantial health or safety hazards; and

“(B) evaluating methods of transporting special nuclear and other nuclear materials and of transporting and storing high-level radioactive wastes to prevent radiation hazards to employees and the general public.

“(3) Recommend research necessary for the discharge of the functions of the Commission.

“(c) Nothing in this section shall be construed to limit in any way the functions of the Administration relating to the safe operation of all facilities resulting from all activities within the jurisdiction of the Administration pursuant to this Act.

“OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

Establishment.
42 U.S.C. 5844.
Director.

“SEC. 204. (a) There is hereby established in the Commission an Office of Nuclear Material Safety and Safeguards under the direction of a Director of Nuclear Material Safety and Safeguards, who shall be appointed by the Commission, who may report directly to the Commission as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

Functions.

“(b) Subject to the provisions of this Act, the Director of Nuclear Material Safety and Safeguards shall perform such functions as the Commission shall delegate including:

42 U.S.C. 2011
note.

“(1) Principal licensing and regulation involving all facilities and materials, licensed under the Atomic Energy Act of 1954, as amended, associated with the processing, transport, and handling of nuclear materials, including the provision and maintenance of safeguards against threats, thefts, and sabotage of such licensed facilities, and materials.

“(2) Review safety and safeguards of all such facilities and materials licensed under the Atomic Energy Act of 1954, as amended, and such review shall include, but not be limited to—

“(A) monitoring, testing, and recommending upgrading of internal accounting systems for special nuclear and other nuclear materials licensed under the Atomic Energy Act of 1954, as amended;

“(B) developing, in consultation and coordination with the Administration, contingency

plans for dealing with threats, thefts, and sabotage relating to special nuclear materials, high-level radioactive wastes and nuclear facilities resulting from all activities licensed under the Atomic Energy Act of 1954, as amended;

“(C) assessing the need for, and the feasibility of, establishing a security agency within the office for the performance of the safeguards functions, and a report with recommendations on this matter shall be prepared within one year of the effective date of this Act and promptly transmitted to the Congress by the Commission.

Report to Congress.

“(3) Recommending research to enable the Commission to more effectively perform its functions.

“(c) Nothing in this section shall be construed to limit in any way the functions of the Administration relating to the safeguarding of special nuclear materials, high-level radioactive wastes and nuclear facilities resulting from all activities within the jurisdiction of the Administration pursuant to this Act.

88 Stat. 1246.

“OFFICE OF NUCLEAR REGULATORY RESEARCH

“SEC. 205. (a) There is hereby established in the Commission and Office of Nuclear Regulatory Research under the direction of a Director of Nuclear Regulatory Research, who shall be appointed by the Commission, who may report directly to the Commission as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

Establishment.
42 U.S.C. 5845.

Director.

“(b) Subject to the provisions of this Act, the Director of Nuclear Regulatory Research shall perform such functions as the Commission shall delegate including:

Functions.

“(1) Developing recommendations for research deemed necessary for performance by the Commission of its licensing and related regulatory functions.

“(2) Engaging in or contracting for research which the Commission deems necessary for the performance of its licensing and related regulatory functions.

“(c) The Administrator of the Administration and the head of every other Federal agency shall—

Cooperation of Federal agencies.

“(1) cooperate with respect to the establishment of priorities for the furnishing of such research services as requested by the Commission for the conduct of its functions;

“(2) furnish to the Commission, on a reimbursable basis, through their own facilities or by contract or other arrangement, such research services as the Commission deems necessary and requests for the performance of its functions; and

“(3) consult and cooperate with the Commission on research and development matters of mutual interest and provide such information and physical access to its facilities as will assist the Commission in acquiring the expertise necessary to perform its licensing and related regulatory functions.

“(d) Nothing in subsections (a) and (b) of this section or section 201 of this Act shall be construed to limit in any way the functions of the Administration relating to the safety of activities within the jurisdiction of the Administration.

Information
and research
services.

“(e) Each Federal agency, subject to the provisions of existing law, shall cooperate with the Commission and provide such information and research services, on a reimbursable basis, as it may have or be reasonably able to acquire.

Improved Safet
Systems Resear
Long-term plan
development.
42 U.S.C. 5845.

“(f) The Commission shall develop a long-term plan for projects for the development of new or improved safety systems for nuclear powerplants.⁸

“NONCOMPLIANCE

42 U.S.C. 5846.

“SEC. 206. (a) Any individual director, or responsible officer of a firm constructing, owning, operating, or supplying the components of any facility or activity which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954 as amended, or pursuant to this Act, who obtains information reasonably indicating that such facility or activity or basic components supplied to such facility or activity—

42 U.S.C. 2011
note.

“(1) fails to comply with the Atomic Energy Act of 1954, as amended, or any applicable rule, regulation, order, or license of the Commission relating to substantial safety hazards, or

88 Stat. 1247.

“(2) contains a defect which could create a substantial safety hazard, as defined by regulations which the Commission shall promulgate,

shall immediately notify the Commission of such failure to comply, or of such defect, unless such person has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

Penalty.

“(b) Any person who knowingly and consciously fails to provide the notice required by subsection (a) of this section shall be subject to a civil penalty in an amount equal to the amount provided by section 234 of the Atomic Energy Act of 1954, as amended.

42 U.S.C. 2282.

Posting of
requirements.
42 U.S.C. 2011
note.

“(c) The requirements of this section shall be prominently posted on the premises of any facility licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended.

⁸ Public Law 95-209 (91 Stat. 1482) (1977), sec. 4, added a new subsec. f.

“(d) The Commission is authorized to conduct such reasonable inspections and other enforcement activities as needed to insure compliance with the provisions of this section. **Enforcement.**

“NUCLEAR ENERGY CENTER SITE SURVEY

“SEC. 207. (a) (1) The Commission is authorized and directed to make or cause to be made under its direction, a national survey, which shall include consideration of each of the existing or future electric reliability regions, or other appropriate regional areas, to locate and identify possible nuclear energy center sites. This survey shall be conducted in cooperation with other interested Federal, State, and local agencies, and the views of interested persons, including electric utilities, citizens’ groups, and others, shall be solicited and considered. **42 U.S.C. 5847.**

Federal-State-local cooperation. Solicitation of views.

“(2) For purposes of this section, the term ‘nuclear energy center site’ means any site, including a site not restricted to land, large enough to support utility operations or other elements of the total nuclear fuel cycle, or both including, if appropriate, nuclear fuel reprocessing facilities, nuclear fuel fabrication plants, retrievable nuclear waste storage facilities, and uranium enrichment facilities. **Definition.**

“(3) The survey shall include—

“(a) a regional evaluation of natural resources, including land, air, and water resources, available for use in connection with nuclear energy center sites; estimates of future electric power requirements that can be served by each nuclear energy center site; an assessment of the economic impact of each nuclear energy site; and consideration of any other relevant factors, including but not limited to population distribution, proximity to electric load centers and to other elements of the fuel cycle, transmission line rights-of-way, and the availability of other fuel resources;

“(b) an evaluation of the environmental impact likely to result from construction and operation of such nuclear energy centers, including an evaluation whether such nuclear energy centers will result in greater or lesser environmental impact than separate siting of the reactors and/or fuel cycle facilities; and

“(c) consideration of the use of federally owned property and other property designated for public use, but excluding national parks, national forests, national wilderness areas, and national historic monuments.

“(4) A report of the results of the survey shall be published and transmitted to the Congress and the Council on Environmental Quality not later than one year from the date of the enactment of this Act and shall be **Report to Congress and Council on Environmental Quality; public availability**

made available to the public, and shall be updated from time to time thereafter as the Commission, in its discretion, deems advisable. The report shall include the Commission's evaluation of the results of the survey and any conclusions and recommendations, including recommendations for legislation, which the Commission may have concerning the feasibility and practicality of locating nuclear power reactors and/or other elements of the nuclear fuel cycle or nuclear energy center sites. The Commission is authorized to adopt policies which will encourage the location of nuclear power reactors and related fuel cycle facilities on nuclear energy center sites insofar as practicable.

88 Stat. 1248.

"ABNORMAL OCCURRENCE REPORTS

Reports to
Congress.
42 U.S.C. 5848.

42 U.S.C. 2011
note.

"SEC. 208. The Commission shall submit to the Congress each quarter a report listing for that period any abnormal occurrences at or associated with any facility which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954 as amended, or pursuant to this Act. For the purposes of this section an abnormal occurrence is an unscheduled incident or event which the Commission determines is significant from the standpoint of public health or safety. Nothing in the preceding sentence shall limit the authority of a court to review the determination of the Commission. Each such report shall contain—

"(1) the date and place of each occurrence;

"(2) the nature and probable consequence of each occurrence;

"(3) the cause or causes of each; and

"(4) any action taken to prevent reoccurrence;

Public dis-
semination of
information.

the Commission shall also provide as wide dissemination to the public of the information specified in clauses (1) and (2) of this section as reasonably possible within fifteen days of its receiving information of each abnormal occurrence and shall provide as wide dissemination to the public as reasonably possible of the information specified in clauses (3) and (4) as soon as such information becomes available to it.

"OTHER OFFICERS

Executive
Director.
42 U.S.C. 5849.

Functions.

"SEC. 209. (a) The Commission shall appoint an Executive Director for Operations, who shall serve at the pleasure of and be removable by the Commission.

"(b) The Executive Director shall perform such functions as the Commission may direct, except that the Executive Director shall not limit the authority of the director of any component organization provided in this Act to communicate with or report directly to the Com-

mission when such director of a component organization deems it necessary to carry out his responsibilities. Notwithstanding the preceding sentence, each such director shall keep the Executive Director fully and currently informed concerning the content of all such direct communications with the Commission.⁹

“(c) The Executive Director shall report to the Commission at semiannual public meetings on the problems, progress, and status of the Commission’s equal employment opportunity efforts.¹⁰

Equal
employment
opportunity,
report.

“(d) The Executive Director shall prepare and forward to the Commission an annual report (for the fiscal year 1978 and each succeeding fiscal year) on the status of the Commission’s programs concerning domestic safeguards matters including an assessment of the effectiveness and adequacy of safeguards at facilities and activities licensed by the Commission. The Commission shall forward to the Congress a report under this section prior to February 1, 1979, as a separate document, and prior to February 1 of each succeeding year as a separate chapter of the Commission’s annual report (required under section 307(c) of the Energy Reorganization Act of 1974) following the fiscal year to which such report applies.¹¹

Annual status
report.

Report to
Congress.

42 U.S.C. 5877.
Other officers.

“(e)¹⁰ There shall be in the Commission not more than five additional officers appointed by the Commission. The positions of such officers shall be considered career positions and be subject to subsection 161 d. of the Atomic Energy Act.

42 U.S.C. 2201.

“UNRESOLVED SAFETY ISSUES PLAN

“SEC. 210. The Commission shall develop a plan providing for the specification and analysis of unresolved safety issues relating to nuclear reactors and shall take such action as may be necessary to implement corrective measures with respect to such issues. Such plans shall be submitted to the Congress on or before January 1, 1978 and progress reports shall be included in the annual report of the Commission thereafter.¹²

42 U.S.C. 5850.

Submittal to
Congress.
Progress
reports.

“EMPLOYEE PROTECTION

“SEC. 210. (a) No employer, including a Commission licensee, an applicant for a Commission license, or a contractor or a subcontractor of a Commission licensee or applicant, may discharge any employee or otherwise dis-

42 U.S.C. 5851.

⁹ Public Law 95-601 (92 Stat. 2949) (1978), sec. 4(a) amended subsec. 209(b) by adding the last sentence.

¹⁰ Public Law 95-601 (92 Stat. 2949) (1978), sec. 4(b) amended subsec. 209(c) by adding a new subsec. (c) and redesignated existing subsec. (c) accordingly (existing subsec. (c) was redesignated as subsec. (e) because this law also added a new subsec. (d)).

¹¹ Public Law 95-601 (92 Stat. 2949) (1978), sec. 6 added subsec. 209(d.)

¹² Public Law 95-209 (91 Stat. 1482) (1977) sec. 3, added sec. 210.

criminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act or the Atomic Energy Act of 1954, as amended, or a proceeding for the administration or enforcement of any requirement imposed under this Act or the Atomic Energy Act of 1954, as amended;

“(2) testified or is about to testify in any such proceeding or;

“(3) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other manner in such a proceeding or in any other action to carry out the purposes of this Act or the Atomic Energy Act of 1954, as amended.

“(b) (1) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, within thirty days after such violation occurs, file (or have any person file on his behalf) a complaint with the Secretary of Labor (hereinafter in this subsection referred to as the ‘Secretary’) alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify the person named in the complaint of the filing of the complaint and the Commission.

“(2) (A) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an investigation of the violation alleged in the complaint. Within thirty days of the receipt of such complaint, the Secretary shall complete such investigation and shall notify in writing the complainant (and any person acting in his behalf) and the person alleged to have committed such violation of the results of the investigation conducted pursuant to this subparagraph. Within ninety days of the receipt of such complaint the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the person alleged to have committed such violation, issue an order either providing the relief prescribed by subparagraph (B) or denying the complaint. An order of the Secretary shall be made on the record after notice and opportunity for public hearing. The Secretary may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.

42 U.S.C. 2011
note.

Complaint,
filing and
notification.

Investigation
and
notification.

Order.

Notice and
hearing.
Settlement.

“(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation to (i) take affirmative action to abate the violation, and (ii) reinstate the complainant to his former position together with the compensation (including back pay), terms, conditions, and privileges of his employment, and the Secretary may order such person to provide compensatory damages to the complainant. If an order is issued under this paragraph, the Secretary, at the request of the complainant shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys’ and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

Relief.

“(c) (1) Any person adversely affected or aggrieved by an order issued under subsection (b) may obtain review of the order in the United States court of appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred. The petition for review must be filed within sixty days from the issuance of the Secretary’s order. Review shall conform to chapter 7 of title 5 of the United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the Secretary’s order.

Review.

5 U.S.C. 701
et seq.

“(2) An order of the Secretary with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in any criminal or other civil proceeding.

“(d) Whenever a person has failed to comply with an order issued under subsection (b) (2), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief, compensatory, and exemplary damages.

Jurisdiction.

“(e) (1) Any person on whose behalf an order was issued under paragraph (2) of subsection (b) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

Litigative
costs.

"(2) The court, in issuing any final order under this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

"(f) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28 of the United States Code.

42 U.S.C. 2011.

"(g) Subsection (a) shall not apply with respect to any employee who, acting without direction from his or her employer (or the employer's agent), deliberating causes a violation of any requirement of this Act or of the Atomic Energy Act of 1954, as amended.¹³

"TITLE III—MISCELLANEOUS AND "TRANSITIONAL PROVISIONS

"TRANSITIONAL PROVISIONS

Lapses of
agencies and
positions.
42 U.S.C. 5871.

"SEC. 301. (a) Except as otherwise provided in this Act, whenever all of the functions or programs of an agency, or other body, or any component thereof, affected by this Act, have been transferred from that agency, or other body, or any component thereof by this Act, the agency, or other body, or component thereof shall lapse. If an agency, or other body, or any component thereof, lapses pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for an officer or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313-5316), shall lapse.

88 Stat. 1249.

Savings
clauses.

"(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

"(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

"(2) which are in effect at the time this Act takes effect,

¹³ Public Law 95-601 (92 Stat. 2951) (1978), sec. 10, inadvertently duplicated the section number 210; which should read "sec. 211."

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, the Commission, or other authorized officials, a court of competent jurisdiction, or by operation of law.

“(c) The provisions of this Act shall not affect any proceeding pending, at the time this section takes effect, before the Atomic Energy Commission or any department or agency (or component thereof) functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this Act had not been enacted.

“(d) Except as provided in subsection (f)—

“(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

“(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

“(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of this section.

“(f) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official

capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Administrator or Commission, or any other official, then such suit shall be continued as if this Act had not been enacted, with the Administrator or Commission, or other official, as the case may be, substituted.

“(g) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders or actions had been made or taken by the officer, department, agency, or instrumentality in the performance of such functions immediately preceding the effective date of the Act. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the performance of those functions by the Administrator or Commission, or any officer or component.

88 Stat. 1250.

“(h) With respect to any function transferred by this Act and performed after the effective date of this Act, reference in any other law to any department or agency, or any officer or office, the functions of which are so transferred, shall be deemed to refer to the Administration, the Administrator or Commission, or other office or official in which this Act vests such functions.

“(i) Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

“(j) Any reference in this Act to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

“(k) Except as may be otherwise expressly provided in this Act, all functions expressly conferred by this Act shall be in addition to and not in substitution for functions existing immediately before the effective date of this Act and transferred by this Act.

“TRANSFER OF PERSONNEL AND OTHER MATTERS

42 U.S.C. 5872.

“SEC. 302 (a) Except as provided in the next sentence, the personnel employed in connection with, and the personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and programs transferred by this Act, are, subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31

U.S.C. 581c), correspondingly transferred for appropriate allocation. Personnel positions expressly created by law, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation at the rate prescribed for offices and positions at levels II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313-5316) on the effective date of this Act shall be subject to the provisions of subsection (c) of this section and section 301 of this Act.

“(b) Except as provided in subsection (c), transfer of nontemporary personnel pursuant to this Act shall not cause any such employee to be separated or reduced in grade or compensation for one year after such transfer.

“(c) Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5 of the United States Code, and who, without a break in service, is appointed in the Administration to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position.

“INCIDENTAL DISPOSITIONS

“SEC. 303. The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with functions transferred by this Act, as he may deem necessary or appropriate to accomplish the intent and purpose of this Act. 42 U.S.C. 5873.
88 Stat. 1251.

“DEFINITIONS

“SEC. 304. As used in this Act— 42 U.S.C. 5874.

“(1) any reference to “function” or “functions” shall be deemed to include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and

“(2) any reference to “perform” or “performance”, when used in relation to functions, shall be deemed to include the exercise of power, authority, rights, and privileges.

“AUTHORIZATIONS OF APPROPRIATIONS

“SEC. 305. (a) Except as otherwise provided by law, appropriations made under this Act shall be subject to annual authorization. 42 U.S.C. 5875.

“(b) Authorization of appropriations to the Commission shall reflect the need for effective licensing and other regulation of the nuclear power industry in relation to the growth of such industry.

“COMPTROLLER GENERAL AUDIT

42 U.S.C. 5876.

42 U.S.C. 2206.

Ante, pp. 1234,
1242.

Report to
Congress.

“SEC. 306. (a) Section 166. “Comptroller General Audit” of the Atomic Energy Act of 1954, as amended, shall be deemed to be applicable, respectively, to the nuclear and nonnuclear activities under title I and to the activities under title II.

“(b) The Comptroller General of the United States shall audit, review, and evaluate the implementation of the provisions of title II of this Act by the Nuclear Safety and Licensing Commission not later than sixty months after the effective date of this Act, the Comptroller General shall prepare and submit to the Congress a report on his audit, which shall contain, but not be limited to—

“(1) an evaluation of the effectiveness of the licensing and related regulatory activities of the Commission and the operations of the Office of Nuclear Safety Research and the Bureau of Nuclear Materials Security;

“(2) an evaluation of the effect of such Commission activities on the efficiency, effectiveness, and safety with which the activities licensed under the Atomic Energy Act of 1954, as amended, are carried out;

“(3) recommendations concerning any legislation he deems necessary, and the reasons therefor, for improving the implementation of title II.

“REPORTS

Reports to the
President and
Congress.
42 U.S.C. 5877.
Administration
activities and
progress.

“SEC. 307. (a) The Administrator shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Administration during the preceding fiscal year. Such report shall include a statement of the short-range and long-range goals, priorities, and plans of the Administration together with an assessment of the progress made toward the attainment of those objectives and toward the more effective and efficient management of the Administration and the coordination of its functions.

“(b) During the first year of operation of the Administration, the Administrator, in collaboration with the Secretary of Defense, shall conduct a thorough review of the desirability and feasibility of transferring to the Department of Defense or other Federal agencies the

Feasibility of
transferring
military
application
functions.
88 Stat. 1252.

functions of the Administrator respecting military application and restricted data, and within one year after the Administrator first takes office the Administrator shall make a report to the President, for submission to the Congress, setting forth his comprehensive analysis, the principal alternatives, and the specific recommendations of the Administrator and the Secretary of Defense.

“(c) The Commission shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Commission during the preceding fiscal year. Such report shall include a clear statement of the short-range and long-range goals, priorities, and plans of the Commission as they relate to the benefits, costs, and risks of commercial nuclear power. Such report shall also include a clear description of the Commission’s activities and findings in the following areas—

Commission
activities and
findings.

“(1) insuring the safe design of nuclear powerplants and other licensed facilities;

“(2) investigating abnormal occurrences and defects in nuclear powerplants and other licensed facilities;

“(3) safeguarding special nuclear materials at all stages of the nuclear fuel cycle;

“(4) investigating suspected, attempted, or actual thefts of special nuclear materials in the licensed sector and developing contingency plans for dealing with such incidents;

“(5) insuring the safe, permanent disposal of high-level radioactive wastes through the licensing of nuclear activities and facilities;

“(6) protecting the public against the hazards of low-level radioactive emissions from licensed nuclear activities and facilities.

“INFORMATION TO COMMITTEES

“SEC. 308. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Administration’s activities. 42 U.S.C. 5878.

“TRANSFER OF FUNDS

“SEC. 309. The Administrator, when authorized in an appropriation Act, may, in any fiscal year, transfer funds from one appropriation to another within the Administration; except, that no appropriation shall be either increased or decreased pursuant to this section by more than 5 per centum of the appropriation for such fiscal year. 42 U.S.C. 5879.

“CONFORMING AMENDMENTS TO CERTAIN OTHER LAWS

“SEC. 310. Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

“(1) Section 5313 is amended by striking out ‘(8) Chairman, Atomic Energy Commission.’ and inserting in lieu thereof ‘(8) Chairman, Nuclear Regulatory Commission.’, and by adding at the end thereof the following:

‘(22) Administrator of Energy Research and Development Administration.’.

“(2) Section 5314 is amended by striking out ‘(42) Members, Atomic Energy Commission.’ and inserting in lieu thereof ‘(42) Members, Nuclear Regulatory Commission.’, and by adding at the end thereof the following:

‘(60) Deputy Administrator, Energy Research and Development Administration.’

88 Stat. 1253.

“(3) Section 5315 is amended by striking out paragraph (50), and by adding at the end thereof the following:

‘(100) Assistant Administrator, Energy Research and Development Administration (6).’

‘(101) Director of Nuclear Reactor Regulation, Nuclear Regulatory Commission.’

‘(102) Director of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission.’

‘(103) Director of Nuclear Regulatory Research, Nuclear Regulatory Commission.’

‘(104) Executive Director for Operations, Nuclear Regular Commission.’

“(4) Section 5316 is amended by striking out paragraphs (29), (62), (69), and (102), by striking out ‘(81) General Counsel of the Atomic Energy Commission.’ and inserting in lieu thereof ‘(81) General Counsel of the Nuclear Regulatory Commission.’, and by adding at the end thereof the following:

‘(134) General Counsel, Energy Research and Development Administration.’

‘(135) Additional officers, Energy Research and Development Administration (8).’

‘(136) Additional officers, Nuclear Regulatory Commission (5).’.

“SEPARABILITY

42 U.S.C. 5801
Note.

“SEC. 311. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

“EFFECTIVE DATE AND INTERIM APPOINTMENTS

“SEC. 312. (a) This Act shall take effect one hundred and twenty days after the date of its enactment, or on such earlier date the the President may prescribe and publish in the Federal Register; except that any of the officers provided for in title I of this Act may be nominated and appointed, as provided by this Act, at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administrator and the Commission by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

42 U.S.C. 5801
note.
Publication
in Federal
Register.

“(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act. While so acting, such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

“TITLE IV—SEX DISCRIMINATION

88 Stat. 1254.

“SEX DISCRIMINATION PROHIBITED

“SEC. 401. No person shall on the ground of sex be excluded from participation in, be denied a license under, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under any title of this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

42 U.S.C. 5891.

42 U.S.C.
2000d.

INDEX TO THE LEGISLATIVE HISTORY OF THE ENERGY REORGANIZATION
ACT OF 1974 AND AMENDMENT

PUBLIC LAW 93-438—H.R. 11510

To reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a new Nuclear Regulatory Commission in order to promote more efficient management of such functions

(Page references are to daily editions of the Congressional Record, 93d Cong., 1st and 2d Sess.)

H.R. 11510 introduced on November 15, 1973, by Mr. Holifield, for himself and Mr. Horton, Mr. Price of Illinois, and Mr. Hosmer (H10107).

Hearings: Legislation and Military Operations Subcommittee, Government Operations Committee, November 27, 28, and 29, 1973. House report filed (H. Rept. No. 93-707) December 7, 1973 (H10910). H.R. 11510 considered and passed in House, December 19, 1973 (H11705-11755).

Committee discharged, H.R. 11510 considered and passed in Senate in lieu of S. 2744, title amended, August 15, 1974 (S15108).

Senate insists on its amendments and asks for conference, conferees deferred, August 15, 1974 (S15114).

Senate conferees appointed, August 20, 1974 (S15360).

House conferees appointed, September 23, 1974 (H9444).

Conference report (H. Rept. 93-1445) submitted in House and agreed to October 8, 1974 (H10128) and October 9, 1974 (H10266).

Conference report submitted in Senate and agreed to, October 9, 1974 (S18561), and October 10, 1974 (S18721-18752).

Examined and signed by the Speaker of the House, October 11, 1974, (H10422).

Examined and signed by the President pro tempore of the Senate, October 11, 1974.

Presented to the President, October 11, 1974 (H10422).

Approved as Public Law 93-438, October 11, 1974 (H10671).

COMPANION BILL—S. 2744

S. 2744 introduced by Senator Ribicoff, for himself and Senator Aiken, Senator Brock, Senator Ervin, Senator Gurney, Senator Jackson, Senator Javits, Senator Pastore, Senator Percy, Senator Roth, Senator Montoya and Senator Moss, November 27, 1973 (S21060).

Hearings: Subcommittee on Reorganization, Research and International Organizations, Government Operations Committee, December 4, 5, and 10, 1973, February 26 and 27, 1974, March 12 and 13, 1974. Markup—April 9, 1974. Full Committee markup, May 29, 1974.

Senate report filed (S. Rept. 93-980) June 27, 1974 (S11632).

Considered in Senate, August 13-15, 1974 (S14860, S14900, S15014, S15031, S15033, S15049, S15057, S15068, S15073, S15088, S15096, S15098).

H.R. 11510 considered and passed in lieu of S. 2744, August 15, 1974 (S15108).

PUBLIC LAW 94-79—S. 1716

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, and for other purposes.

(Page references are to the daily editions of the Congressional Record, 94th Cong., 1st session)

S. 675 introduced by Mr. Pastore (be request) February 12, 1975 (S1827).

S. 1716 introduced as a clean bill by Mr. Pastore (for himself and Mr. Baker) on May 12, 1975 (S7779).

Hearings: Subcommittee on Legislation of the Joint Committee on Atomic Energy, March 19, 1975. Published under the title of "Nuclear Regulatory Commission Authorizing Legislation, Fiscal Year 1976".

Reported (S. Rept. No. 94-174) June 4, 1975 (S9509).

Considered and passed by the Senate with two amendments June 17, 1975 (S10828-31).

Considered and passed by the House after striking all after the enacting clause and inserting in lieu thereof the language of House companion measure H.R. 7001, as amended, June 20, 1975 (H5889-99).

Senate concurs in the House amendment July 31, 1975 (S14782).

Examined and signed by the Speaker of the House August 1, 1975 (H8184).

Examined and signed by the President pro tempore of the Senate August 1, 1975 (S14944).

Presented to the President August 2, 1975 (S15098).

Approved as Public Law 94-79 August 9, 1975 (S15098).

COMPANION BILL—H.R. 7001

H.R. 3274 introduced by Mr. Price (by request) February 19, 1975 (H929).

H.R. 7001 introduced as a clean bill by Mr. Price May 14, 1975 (H4076).

Hearings: As listed above.

Reported (H. Rept. No. 94-260) June 4, 1975 (H4921).

Considered and passed by the House with four amendments; passage of H.R. 7001 vacated and S. 1716 with the House amendments passed in lieu thereof; H.R. 7001 laid on the table, June 20, 1975 (H5889-99).

THE WHITE HOUSE
EXECUTIVE ORDER 11834

ACTIVATION OF THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AND THE NUCLEAR REGULATORY COMMISSION

By virtue of the authority vested in me by the Energy Reorganization Act of 1974 (Public Law 93-428; 88 Stat. 1233), section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered:

SECTION 1. Pursuant to section 312(a) of the Energy Reorganization Act of 1974, I hereby prescribe January 19, 1975, as the effective date of that Act. This action shall not impair in any way the activation of the Energy Resources Council by Executive Order No. 11814 of October 11, 1974.

SEC. 2. The Director of the Office of Management and Budget shall take all steps necessary or appropriate to ensure or effectuate the transfers provided for in the Energy Reorganization Act of 1974, the Solar Heating and Cooling Demonstration Act of 1974 (Public Law 93-409; 88 Stat. 1069), the Geothermal Energy Research, Development, and Demonstration Act of 1974 (Public Law 93-410; 88 Stat. 1079), the Solar Energy Research, Development, and Demonstration Act of 1974 (Public Law 93-473; 88 Stat. 1431), to the extent required or permitted by law, including transfers of funds, personnel and positions, assets, liabilities, contracts, property, records, and other items related to the transfer of functions, programs, or authorities.

SEC. 3. As required by the Energy Reorganization Act of 1974, this Order shall be published in the Federal Register.

GERALD R. FORD.

THE WHITE HOUSE, *January 15, 1975.*

PART III. NRC AUTHORIZATION ACTS

PUBLIC LAW 93-158

[93D CONGRESS, S. 2645]

[NOVEMBER 26, 1973]

AN ACT

To amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of Public Law 93-60 is hereby amended by striking therefrom the figure "\$1,740,750,000" and substituting the figure "\$1,751,450,000".

SEC. 2. Section 101(b) of Public Law 93-60 is hereby amended by adding to subsection (b)(1) the following words: "Project 74-1-1, additional waste concentration and salt cake storage facilities, Richland, Washington, \$30,000,000."

Approved November 26, 1973.

INDEX TO LEGISLATIVE HISTORY OF PUBLIC LAW 93-158 (S. 2645)

(Page references are to the daily editions of the Congressional Record,
93d Cong., 1st sess.)

S. 2645 introduced by Mr. Pastore, November 7, 1973 (S20015).
Hearings: Full Joint Committee on Atomic Energy, October 30,
November 1 and 6, 1973 (Executive Sessions).
Senate Report (S. Rept. 93-487) filed November 7, 1973 (S20015).
S. 2645 considered and passed in Senate, November 9, 1973 (S20123).
S. 2645 considered and passed in House, November 13, 1973 (H9943).
Examined and signed by Speaker of the House, November 14, 1973
(H10046).
Examined and signed by President pro tempore, November 14, 1973
(S20327).
Presented to the President, November 14, 1973.
S. 2645 approved by the President on November 26, 1973 as Public
Law 93-158, D1335 (Nov. 27 Record).

Companion Bill—H.R. 11216

H.R. 11216 introduced by Mr. Price on October 31, 1973 (H9556).
House Report (H. Rept. No. 93-619) filed November 1, 1973 (H9575).
Identical bill, S. 2645 passed in lieu of H.R. 11216 indicated above.

(185)

**PUBLIC LAW 93-276 (AEC AUTHORIZATION
ACT FOR FISCAL YEAR 1975)**

[93D CONGRESS, S. 3292]

[MAY 10, 1974]

AN ACT

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 U.S.C. 2017.
88 Stat. 115.
88 Stat. 116.

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,580,733,000¹ not to exceed \$132,200,000 in operating costs for the high-energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 75-1-a, additional facilities, high-level waste handling and storage, Savannah River, South Carolina, \$30,000,000.

Project 75-1-b, replacement ventilation air filter, H chemical separations area, Savannah River, South Carolina, \$6,000,000.

Project 75-1-c, new waste calcining facility, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, \$20,000,000.

Project 75-1-d, waste management effluent control, Richland, Washington, \$3,500,000.

Project 75-1-e, retooling of component preparation laboratories, multiple sites, \$4,500,000.

Project 75-1-f, atmospheric pollution control facilities, stoker fired boilers, Savannah River, South Carolina, \$7,500,000.

(2) NUCLEAR MATERIALS.—

Project 75-2-a, additional cooling tower capacity, gaseous diffusion plant, Portsmouth, Ohio, \$2,200,000.

(3) WEAPONS.—

Project 75-3-a, weapons production, development, and test installations, \$10,000,000.

Project 75-3-b, high energy laser facility, Los Alamos Scientific Laboratory, New Mexico, \$22,600,000.

¹Public Law 93-576 (88 Stat. 1878) (1974), sec. 1, increased this figure from the previously authorized \$2,551,533,000.

Project 75-3-c, TRIDENT production facilities, various locations, \$22,200,000.

Project 75-3-d, consolidation of final assembly plants, Pantex, Amarillo, Texas, \$4,500,000.

Project 75-3-e, addition to building 350 for safeguards analytical laboratory, Argonne National Laboratory, Illinois, \$3,500,000.

(4) WEAPONS.—

Project 75-4-a, technical support relocation, Los Alamos Scientific Laboratory, New Mexico, \$2,800,000.

(5) CIVILIAN REACTOR RESEARCH AND DEVELOPMENT.—

Project 75-5-a, transient test facility, Santa Susana, California, \$4,000,000.

Project 75-5-b, advanced test reactor control system upgrading, National Reactor Testing Station, Idaho, \$2,400,000.

Project 75-5-c, test reactor area water recycle and pollution control facilities, National Reactor Testing Station, Idaho, \$1,000,000.

Project 75-5-d, modifications to reactors, \$4,000,000.

Project 75-5-e, high temperature gas reactor fuel reprocessing facility, National Reactor Testing Station, Idaho, \$10,100,000.

Project 75-5-f, high temperature gas reactor fuel re-fabrication pilot plant, Oak Ridge National Laboratory, Tennessee, \$3,000,000.

Project 75-5-g, molten salt breeder reactor (preliminary planning preparatory to possible future demonstration project), \$1,500,000.

(6) PHYSICAL RESEARCH.—

Project 75-6-a, accelerator and reactor improvements and modifications, \$3,000,000.

Project 75-6-b, heavy ion research facilities, various locations, \$19,200,000.

Project 75-6-c, positron-electron joint project, Lawrence Berkeley Laboratory and Stanford Linear Accelerator Center, \$900,000.

(7) BIOMEDICAL AND ENVIRONMENTAL RESEARCH AND SAFETY.—

Project 75-7-a, upgrading of laboratory facilities, Oak Ridge National Laboratory, Tennessee, \$2,100,000.

Project 75-7-b, environmental research laboratory, Savannah River, South Carolina, \$2,000,000.

Project 75-7-c, intermediate-level waste management facilities, Oak Ridge National Laboratory, Tennessee, \$9,500,000.

Project 75-7-d, modifications and additions to biomedical and environmental research facilities, \$2,850,000.

(8) BIOMEDICAL AND ENVIRONMENTAL RESEARCH AND SAFETY.—

Project 75-8-a, environmental sciences laboratory, Oak Ridge National Laboratory, Tennessee, \$8,800,000.

88 Stat. 116.
88 Stat. 117.

(9) GENERAL PLANT PROJECTS.—\$55,650,000.

(10) CONSTRUCTION PLANNING AND DESIGN.—\$2,000,000.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$224,900,000.²

(12) REACTOR SAFETY RESEARCH.—

Project 75-12-a, reactor safety facilities modifications, \$1,000,000.

(13) APPLIED ENERGY TECHNOLOGY.—

Project 75-13-a, hydrothermal pilot plant, \$1,000,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsection 101(b) (1), (3), (5), (6), (7), (12), and (13) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (2), (4), (8), and (10) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (9) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000: *Provided*, That the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (9) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(d) The total cost of any project undertaken under subsection 101(b) (1), (3), (5), (6), (7), (12), and (13) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended, provided that this subsection will not apply to any project with an estimated cost less than \$5,000,000.

(e) The total cost of any project undertaken under subsection 101(b) (2), (4), (8), (9), and (10) shall not exceed the estimated cost set forth for that project by more than 10 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended, provided that

77 Stat. 88.
42 U.S.C. 2017.

88 Stat. 118.

77 Stat. 88.
42 U.S.C. 2017.

² Public Law 93-576 (88 Stat. 1878) (1974), sec. 2, increased this figure from the previously authorized \$208,850,000.

this subsection will not apply to any project with an estimated cost less than \$5,000,000.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission, and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Construction
design
services.

SEC. 104. Any moneys received by the Commission (except sums received from the disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)), may be retained by the Commission and credited to its "Operating expenses" appropriation notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484).

69 Stat. 471.

SEC. 105. Transfers of sums from the "Operating expenses" appropriation may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

Transfer of
sums.

SEC. 106. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Transfer of
amounts.

SEC. 107. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 89-428, as amended, is further amended by striking from subsection (b) (3) project 67-3-a, fast flux test facility, the figure "\$87,500,000", and substituting therefor the figure "\$420,000,000".

80 Stat. 162;

81 Stat. 126.

(b) Section 101 of Public Law 91-273, as amended, is further amended by striking from subsection (b) (1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "\$172,100,000" and substituting therefor the figure "\$295,100,000".

87 Stat. 145.

(c) Section 106 of Public Law 91-273, as amended, is further amended by striking from subsection (a) the figure "\$2,000,000" and substituting therefor the figure "\$3,000,000", and by adding thereto the following new subsection (c):

84 Stat. 300;

87 Stat. 145.

"(c) The Commission is hereby authorized to agree, by modification to the definitive cooperative arrangement reflecting such changes therein as it deems appropriate for such purpose, to the following: (1) to execute and deliver to the other parties to the AEC definitive contract, the special undertaking of indemnification specified in said contract, which undertakings shall be subject to availability of appropriations to the Atomic Energy Commission (or any other Federal agency to which the Commission's pertinent functions might be transferred

81 U.S.C. 665. at some future time) and to the provisions of section 3679 of the Revised Statutes, as amended; and (2) to acquire ownership and custody of the property constituting the Liquid Metal Fast Breeder Reactor powerplant or parts thereof, and to use, decommission, and dispose of said property, as provided for in the AEC definitive contract."

86 Stat. 223. (d) Section 101 of Public Law 92-314, as amended, is amended by striking from subsection (b) (4), project 73-4-b, land acquisition, Rocky Flats, Colorado, the figure "\$8,000,000" and substituting therefor the figure "\$11,400,000".

88 Stat. 119.
87 Stat. 143. (e) Section 101 of Public Law 93-60 is amended by (1) striking from subsection (b) (1), project 74-1-a, additional facilities, high level waste storage, Savannah River, South Carolina, the figure "\$14,000,000" and substituting therefor the figure "\$17,500,000", (2) striking from subsection (b) (1), project 74-1-g, cascade uprating program, gaseous diffusion plants, the words "(partial AE and limited component procurement only)" and further striking the figure "\$6,000,000" and substituting therefor the figure "\$183,100,000", and (3) striking from subsection (b) (2), project 74-2-d, national security and resources study center, the words "(AE only), site undesignated" and substituting therefor the words "Los Alamos Scientific Laboratory, New Mexico" and further striking the figure "\$350,000" and substituting therefor the figure "\$4,600,000".

83 Stat. 46;
86 Stat. 225. SEC. 108. RESCISSION.—(a) Public Law 91-44, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 70-1-b, bedrock waste storage (AE and site selection drilling only), Savannah River, South Carolina, \$4,300,000.

85 Stat. 304. (b) Public Law 92-84, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 72-3-b, national radioactive waste repository, site undetermined, \$3,500,000.

86 Stat. 224. (c) Public Law 92-314, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73-6-c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, \$75,000.

TITLE II

69 Stat. 947.
42 U.S.C. 2187. SEC. 201. Section 157b. (3) of the Atomic Energy Act of 1954, as amended, is amended by striking out "upon the recommendation of" and inserting in lieu thereof "after consultation with".

Approved May 10, 1974.

INDEX TO LEGISLATIVE HISTORY OF PUBLIC LAW 93-276 (S. 3292)

(Page references are to the daily editions of the Congressional Record, 93d Congress, 2d sess.)

- S. 3178 introduced by Mr. Pastore and Mr. Aiken (by request) March 13, 1974 (S3548).
Hearings: Full Joint Committee on Atomic Energy, February 19, 26, 27, 28, March 4, 1974 (public); February 20, 21, 25, March 5, 1974 (executive). Published in 4 volumes under title "AEC Authorizing Legislation, Fiscal Year 1975." Record of executive hearing, February 25, 1974, published in separate volume, "Naval Nuclear Propulsion Program—1974."
 S. 3292 introduced as clean bill by Vice Chairman Pastore, for himself and Mr. Aiken, April 2, 1974 (S. 4951).
 Senate Report filed (S. Rept. No. 93-773), April 8, 1974 (S5351).
 S. 3292 considered and passed in the Senate without amendment, April 11, 1974 (S5865-69).
 S. 3292 considered in the House, and passed with one amendment, April 23, 1974 (H3029-56).
 Senate concurred in the House amendment, April 29, 1974 (S6170-71).
 Examined and signed by the Speaker of the House, April 25, 1974 (H3285).
 Examined and signed by the President Pro Tempore of the Senate, April 25, 1974 (S6385).
 Presented to the President, April 30, 1974 (S. 6548).
 S. 3292 approved by the President on May 10, 1974, as Public Law 93-276 (S7687).

COMPANION BILL—H.R. 13919

- H.R. 13919 introduced by Chairman Price (for himself, Mr. Holifield and Mr. Hosmer), April 2, 1974 (H2511).
Hearings: As listed above.
 House Report (H. Rept. No. 93-969) filed, April 3, 1974 (H2582).
 H.R. 13919 laid on the table, April 23, 1974 (H3056).
 S. 3292, as amended, passed in lieu of H.R. 13919, as indicated above.

**PUBLIC LAW 93-576 (AEC FISCAL YEAR 1975
 SUPPLEMENTAL AUTHORIZATION ACT)**

[93rd CONGRESS, H.R. 16609]

[DECEMBER 31, 1974]

AN ACT

To amend Public Law 93-276 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

88 Stat. 1878.

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That section 101(a) of Public Law 93-276 is hereby amended

Atomic Energy
 Commission
 Appropriation
 Increase.
Ante, p. 116.

by striking therefrom the figure "\$2,551,533,000" and substituting the figure "\$2,580,733,000".

SEC. 2. Section 101(b) of Public Law 93-276 is hereby amended by striking from subsection (11) capital equipment the figure "\$208,850,000" and substituting the figure "\$224,900,000".

Safeguards
program.

SEC. 3. From the increase of the sums authorized to be appropriated by this Act \$23,000,000 shall be allotted to, and made available only for the Safeguards Program, with regard to the safeguarding of special nuclear materials from diversion from its intended uses, and for research and development of safeguards techniques and related activities involved in handling nuclear material.

Approved December 31, 1974.

INDEX TO LEGISLATIVE HISTORY OF PUBLIC LAW 93-576 (H.R. 16609)

(Page references are to the daily editions of the Congressional Record, 93d Cong., 2d sess.)

H.R. 16609 introduced by Mr. Price (by request), September 11, 1974 (H9183).

Hearings: Full Joint Committee on Atomic Energy, September 23, 1974 (public) and September 12 and 26, 1974 (executive). Record of the September 23, 1974 hearing published under title "Request for Supplemental Fiscal Year 1975 Funds for AEC Nuclear Weapons Testing".

H.R. 16609 amended by the Joint Committee on Atomic Energy and House Report (H. Rept. No. 93-1434) filed, October 7, 1974 (H10097).

H.R. 16609 considered and passed by the House, with the Committee amendment, November 25, 1974 (H11015-21).

H.R. 16609 considered and passed by the Senate with amendment, December 10, 1974 (S20949-55).

Senate amendment agreed to by the House, December 17, 1974 (H12138-39).

Examined and signed by the Speaker of the House, December 18, 1974 (H12285).

Examined and signed by the President pro tempore of the Senate, December 19, 1974 (S22215).

Presented to the President, December 20, 1974 (H12629).

H.R. 16609 approved by the President on December 31, 1974, as Public Law 93-576 (H12773).

COMPANION BILL—S. 4033

S. 4033 introduced by Mr. Pastore (by request), September 23, 1974 (S17201).

Hearings: As listed above.

Senate Report (S. Rept. No. 93-1246) filed, with a Committee amendment, October 8, 1974 (S18452-53).

H.R. 16609 passed in lieu of S. 4033, as indicated above.

**PUBLIC LAW 94-18 (NRC FISCAL YEAR 1975
SUPPLEMENTAL AUTHORIZATION ACT)**

[94TH CONGRESS, S. 994]

[APRIL 25, 1975]

AN ACT

To authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Nuclear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, \$50,200,000 for fiscal year 1975.

Nuclear
Regulatory
Commission.
Appropriation
Authorization.
42 U.S.C. 2017.
42 U.S.C. 5875.

INDEX TO LEGISLATIVE HISTORY OF PUBLIC LAW 94-18 (S. 994)

(Page references are to the daily editions of the Congressional Record,
94th Cong., 1st session)

S. 674 introduced by Mr. Pastore (by request) February 12, 1975 (S1827).

S. 994 introduced as a clean bill by Mr. Pastore on March 6, 1975 (S3197).

Hearings: Subcommittee on Legislation of the Joint Committee on Atomic Energy, February 20, 1975. Published under the title of "Nuclear Regulatory Commission Fiscal Year 1975 Supplemental Authorization Request".

Reported (S. Rept. No. 94-50) March 20, 1975 (S4552).

Considered and passed by the Senate March 24, 1975 (S4927).

Considered and passed by the House April 10, 1975 (H2660).

Examined and signed by the Speaker of the House April 14, 1975 (H2737).

Examined and signed by the Acting President pro tempore of the Senate April 14, 1975 (S5871).

Presented to the President April 14, 1975 (S5872).

Approved as Public Law 94-18 April 25, 1975.

COMPANION BILL—H.R. 4224

H.R. 3275 introduced by Mr. Price (by request) February 19, 1975 (H929).

H.R. 4224 introduced as a clean bill by Mr. Price on March 4, 1975 (H1380).

Hearings: As listed above.

Reported (H. Rept. No. 94-100) March 20, 1975 (H2132).

Considered and passed by the House; passage of H.R. 4224 vacated and S. 994 passed in lieu thereof; H.R. 4224 laid on the table, April 10, 1975 (H2660).

PUBLIC LAW 94-79 (NRC AUTHORIZATION ACT FOR FISCAL YEAR 1976)

[94TH CONGRESS, S. 1716]

[AUGUST 9, 1975]

AN ACT

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

TITLE I

Nuclear
Regulatory
Commission.
Appropriation
authorization.
42 U.S.C. 2017.
42 U.S.C. 5875.

SEC. 101. There is authorized to be appropriated to the Nuclear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974: \$222,935,000 for fiscal year 1976 and \$52,750,000 for the period from July 1, 1976 through September 30, 1976.

TITLE II

42 U.S.C. 5841.

SEC. 201. Section 201(a) of the Energy Reorganization Act of 1974 is amended—

(1) by inserting “(1)” immediately after “Sec. 201. (a)””; and

(2) by adding at the end of such subsection the following:

Commission
chairman,
functions.

“(2) The Chairman of the Commission shall be the principal executive officer of the Commission, and he shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to (a) the appointment and supervision of personnel employed under the Commission (other than personnel employed regularly and full time in the immediate offices of commissioners other than the Chairman, and except as otherwise provided in the Energy Reorganization Act of 1974), (b) the distribution of business among such personnel and among

administrative units of the Commission, and (c) the use and expenditure of funds. 42 U.S.C. 5801
note.

"(3) In carrying out any of his functions under the provisions of this section the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

"(4) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

"(5) There are hereby reserved to the Commission its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major programs and purposes."

The Nuclear Regulatory Commission shall not license any shipments by air transport of plutonium in any form, whether exports, imports or domestic shipments: *Provided, however*, That any plutonium in any form contained in a medical device designed for individual human application is not subject to this restriction. This restriction shall be in force until the Nuclear Regulatory Commission has certified to the Joint Committee on Atomic Energy of the Congress that a safe container has been developed and tested which will not rupture under crash and blast-testing equivalent to the crash and explosion of a high-flying aircraft.

Plutonium
shipments,
restrictions,
42 U.S.C. 5841
note.

SEC. 202. Subsection 201(c) of the Energy Reorganization Act of 1974 is amended by deleting the period at the end of the subsection and adding the following text: "and except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term."

Term of
office.
42 U.S.C. 5841

SEC. 203. Section 201(c) is amended to include the following: "For the purpose of determining the expiration date of the terms of office of the five members first appointed to the Nuclear Regulatory Commission, each such term shall be deemed to have begun July 1, 1975."

INDEX TO LEGISLATIVE HISTORY OF PUBLIC LAW 94-79 (S. 1716)

(Page references are to the daily editions of the Congressional Record,
94th Cong., 1st session)

S. 675 introduced by Mr. Pastore (by request) February 12, 1975 (S1827).

S. 1716 introduced as a clean bill by Mr. Pastore (for himself and Mr. Baker) on May 12, 1975 (S7779).

Hearings: Subcommittee on Legislation of the Joint Committee on Atomic Energy, March 19, 1975. Published under the title of "Nuclear Regulatory Commission Authorizing Legislation, Fiscal Year 1976".

Reported (S. Rept. 94-174) June 4, 1975 (S9509).

Considered and passed by the Senate with two amendments June 17, 1975 (S10828-31).

Considered and passed by the House after striking all after the enacting clause and inserting in lieu thereof the language of House companion measure H.R. 7001, as amended, June 20, 1975 (H5889-99).

Senate concurs in the House amendment July 31, 1975 (S14782).

Examined and signed by the Speaker of the House August 1, 1975 (H8184).

Examined and signed by the President pro tempore of the Senate August 1, 1975 (S14944).

Presented to the President August 2, 1975 (S15098).

Approved as Public Law 94-79 August 9, 1975 (S. 15098).

COMPANION BILL—H.R. 7001

H.R. 3274 introduced by Mr. Price (by request) February 19, 1975 (H929).

H.R. 7001 introduced as a clean bill by Mr. Price May 14, 1975 (H4076).

Hearings: As listed above.

Reported (H. Rept. No. 94-260) June 4, 1975 (H4921).

Considered and passed by the House with four amendments; passage of H.R. 7001 vacated and S. 1716 with the House amendments passed in lieu thereof; H.R. 7001 laid on the table, June 20, 1975 (H5889-99).

PUBLIC LAW 94-291 (NRC AUTHORIZATION ACT FOR FISCAL YEAR 1977)

[94TH CONGRESS, S. 3107]

[MAY 22, 1976]

AN ACT

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

Nuclear Regulatory Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Appropriation authorization.
42 U.S.C. 2017.
42 U.S.C. 5875.

SEC. 101. There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended; for salaries and expenses, \$274,300,000 to remain available until expended.

Moneys for research programs, use.

SEC. 102. Moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of

section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in appropriation Acts.

SEC. 103. Transfers of sums from salaries and expenses may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

Transfer of
sums.

AMENDMENTS TO PRIOR YEAR ACT

SEC. 104. (a) Title I of Public Law 94-79 is amended by adding section 102 to read as follows: "Moneys received by the Commission for the cooperative nuclear research program may be retained and used for salaries and expenses associated with that program, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in appropriation Acts."

89 Stat. 413.

(b) Section 101 of Public Law 94-79 is amended by adding the phrase "and shall remain available until expended" after the words "September 30, 1976".

INDEX TO LEGISLATIVE HISTORY OF PUBLIC LAW 94-291 (S. 3107)

S. 3107 introduced by Mr. Pastore (for himself and Mr. Baker) (by request), March 9, 1976 (S2968).

Hearings: Subcommittee on Legislation of the Joint Committee on Atomic Energy, January 29, February 17, and March 17, 1976. Published under the title of "Nuclear Regulatory Commission Authorizing Legislation, Fiscal Year 1977".

Reported (S. Rept. No. 94-772) May 3, 1976 (S6288).

Considered and passed by the Senate with three amendments, May 5, 1976 (S6505).

Considered and passed by the House in lieu of House companion measure H.R. 12387, May 10, 1976 (H4149-53).

Examined and signed by the Speaker of the House, May 11, 1976, (H4272).

Examined and signed by the Acting President pro tempore of the Senate, May 12, 1976 (S6976).

Presented to the President, May 12, 1976 (S6976).

Approved as Public Law 94-291, May 22, 1976 (S7801).

COMPANION BILL—H.R. 12387

H.R. 12387 introduced by Mr. Price (by request), March 9, 1976 (H1827).

Hearings: As listed above.

Reported (H. Rept. No. 94-1079) April 30, 1976 (H3769-70).

Considered and passed by the House with three amendments; passage of H.R. 12387 vacated and S. 3107 passed in lieu thereof; H.R. 12387 laid on the table, May 10, 1976 (H4149-53).

**PUBLIC LAW 95-209 (NRC AUTHORIZATION
ACT FOR FISCAL YEAR 1978)**

[95TH CONGRESS, S. 1131]

[DECEMBER 13, 1977]

AN ACT

To authorize appropriations for Nuclear Regulatory Commission
for the fiscal year 1978, and for other purposes.

Nuclear
Regulatory
Commission.
Appropriation
authorization,
1978.

*Be it enacted by the Senate and House of Representatives
of the United States of America in Congress as-
sembled,*

AUTHORIZATION

SECTION 1. (a) There is authorized to be appropriated to the Nuclear Regulatory Commission (hereafter in this act referred to as the "Commission") to carry out its functions and authorities under the Atomic Energy Act of 1954 (42 U.S.C. 2017) and the Energy Reorganization Act of 1974 (42 U.S.C. 5875) for the fiscal year 1978 to remain available until expended \$297,740,000 to be allocated as follows:

(1) For "Nuclear Reactor Regulation", not more than \$41,480,000;

(2) For "Standards Development", not more than \$12,130,000;

(3) For "Inspection and Enforcement", not more than \$33,050,000;

(4) For "Nuclear Materials Safety and Safeguards", not more than \$22,090,000;

(5) For "Nuclear Regulatory Research", \$148,900,000;

(6) For "Program Technical Support", \$10,180,000; of which an amount not to exceed \$600,000 is authorized for a fellowship program pursuant to section 5 of this Act.

(7) For "Program Direction and Administration", not more than \$29,910,000.

Reallocation.

(b) Of the total amount authorized under section 1 (a), the Commissioners may, by majority vote, reallocate among program activities specified in subsection (a) or pursuant to the authority granted in subsection (d) an amount not exceeding \$10,000,000 except that the amount transferred from any of the major program activities specified in subsection (a) shall not exceed 15 per centum of the amount so specified. Prior to any reallocation of an amount in accordance with the provisions of this subsection, where such amount is in excess of \$500,000, the Commission shall inform the appropriate congressional committees. Such reallocation may be made notwithstanding the limitations of subsection (a).

(c) No amount authorized to be appropriated for contracts for research, studies, and technical assistance on domestic safeguard matters under subsection (a) including any amount reallocated under subsection (b) may be used for such contracts and no amount authorized to be appropriated under this subsection may be used by the Office of Nuclear Regulatory Research for such contracts until a statement supporting the need for such research, study, or technical assistance has been prepared and published by the Commission.

Safeguard
research
contract
statement,
publication.

(d) No amount authorized to be appropriated for contracts for regulatory research related to advanced reactor safety under this Act may be used for such contracts except as directed by the Commission, following consideration by the Commission of any recommendation that may be made by the ACRS regarding the proposed research.

(e) In the event that the license application is withdrawn or funding for the continuation of the Clinch River Breeder Reactor project is not authorized or appropriated, the total authorization in subsection (a) shall be reduced by \$2,700,000.

(f) In the event that further construction of the facility at Barnwell, South Carolina, for the purpose of providing plutonium to be used as fuel is canceled or deferred, the total authorization in subsection (a) shall be reduced by \$2,100,000.

COMMISSION PERSONNEL

SEC. 2. Section 201 of title II of the Energy Reorganization Act of 1974 is amended by adding the following new subsection at the end thereof:

Quarterly
report to
Congress.
42 U.S.C. 5841.

“(h) The Commission shall prepare and submit to the Congress a quarterly report which documents, for grades GS-11 or above:

“(1) the number of minority and women candidates hired, by grade level;

“(2) the number of minority and women employees promoted, by grade level;

“(3) the procedures followed by the Commission in preparing job descriptions, informing potential applicants, and selecting from candidates the persons to be employed in positions at grade GS-11 or above; and

“(4) other steps taken to meet provisions of the Equal Employment Act.

The first such quarterly report shall be submitted to the Congress not later than January 31, 1978, and subsequent reports shall be submitted prior to the end of one calendar month after the end of each calendar quarter thereafter.”.

42 U.S.C. 2000e

UNRESOLVED SAFETY ISSUES

SEC. 3. Title II of the Energy Reorganization Act of 1974, is amended by adding the following new section at the end thereof:

"UNRESOLVED SAFETY ISSUES PLAN

42 U.S.C. 5850.

Submittal to
Congress.
Progress
reports.

"SEC. 210. The Commission shall develop a plan providing for the specification and analysis of unresolved safety issues relating to nuclear reactors and shall take such action as may be necessary to implement corrective measures with respect to such issues. Such plan shall be submitted to the Congress on or before January 1, 1978 and progress reports shall be included in the annual report of the Commission thereafter."

IMPROVED SAFETY SYSTEMS RESEARCH

Long-term
plan
development.
42 U.S.C. 5845.

SEC. 4. (a) Section 205 of the Energy Reorganization Act of 1974 is amended by adding the following new subsection at the end thereof:

"(f) The Commission shall develop a long-term plan for projects for the development of new or improved safety systems for nuclear powerplants."

REACTOR SAFETY RESEARCH STUDY

Annual report
to Congress.
42 U.S.C. 2039.

SEC. 5. Section 29 of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof: "In addition to its other duties under this section, the committee, making use of all available sources, shall undertake a study of reactor safety research and prepare and submit annually to the Congress a report containing the results of such study. The first such report shall be submitted to the Congress not later than December 31, 1977.

ACRS FELLOWSHIP PROGRAM

Establishment.
42 U.S.C. 2040.

SEC. 6. To assist the Advisory Committee on Reactor Safeguards in carrying out its function, the committee shall establish a fellowship program under which persons having appropriate engineering or scientific expertise are assigned particular tasks relating to the functions of the committee. Such fellowship shall be for 2-year periods and the recipients of such fellowships shall be selected pursuant to such criteria as may be established by the committee.

ORGANIZATIONAL CONFLICTS OF INTEREST

Guidelines.
42 U.S.C. 2201
note.

SEC. 7. The Commission shall by December 31, 1977, promulgate guidelines to be applied by the Commission

in determining whether an organization proposing to enter into a contractual arrangement with the Commission has a conflict of interest which might impair the contractor's judgment or otherwise give the contractor an unfair competitive advantage.

COOPERATIVE RESEARCH FUNDING

SEC. 8. Moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in appropriation Acts.

Salaries and expenses.

TRANSFER OF FUNDS

SEC. 9. Transfers of sums from salaries and expenses may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriations to which transferred.

APPROPRIATIONS

SEC. 10. Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

Approved December 13, 1977.

INDEX TO LEGISLATIVE HISTORY OF PUBLIC LAW 95-209 (S. 1131)

(Page references are to the Congressional Record, 95th Cong., 1st Sess.)

- S. 495 introduced by Mr. Jackson (for himself and Mr. Baker) (by request) referred to JCAE, January 28, 1977 (S1572).
- S. 495 rereferred, pursuant to S. Res. 4, to the Senate Committee on Environment and Public Works, February 11, 1977.
- S. 1131 introduced by Mr. Hart (for himself and Mr. Baker) (by request) referred to the Senate Environment and Public Works Committee, March 25, 1977 (S4889).
- Hearings: Subcommittee on Nuclear Regulation of the Senate Environment and Public Works Committee, March 30; April 1, 4, and 28, 1977.
- S. 1131 referred to the Subcommittee on Nuclear Regulation, April 1, 1977.
- Reported (S. Rept. 95-196), May 16, 1977.
- S. 1131 considered and passed by the Senate, May 25, 1977 (S8591-93).

S. 1131 passed the House, after being amended to contain the language of H.R. 3455, as passed by the House, September 12, 1977 (H9186-95, H9261-62).

Senate disagreed to the House amendments, requested a conference, and appointed conferees, October 28, 1977 (S18062).

House insisted on its amendments, agreed to a conference asked by Senate, and appointed conferees, October 31, 1977 (H11805).

Conference Report (H. Rept. 95-788) submitted in House, November 1, 1977 (H12004).

Conference Report agreed to in House, November 3, 1977 (H12176-77).

H. Con. Res. 397 authorizing a correction in enrollment of S. 1131, agreed to in House, November 3, 1977 (H12177).

Conference Report agreed to in Senate, November 29, 1977 (S19235-36).

H. Con. Res. 397 agreed to in Senate, November 29, 1977 (S19236).

Examined and signed (H12511, S19259).

Presented to the President, December 2, 1977 (S19297).

Approved as Public Law 95-209, December 13, 1977 (S19708).

COMPANION BILL—H.R. 3455

H.R. 3039 introduced by Mr. Udall, February 2, 1977.

H.R. 3455 introduced by Mr. Udall, February 9, 1977 (H1077)

Hearings: Subcommittee on Energy and the Environment of the House Interior and Insular Affairs Committee, February 17, 18; March 8, 1977.

Reported (H. Rept. 95-289) with amendment, May 11, 1977 (H4337).

Considered and passed House; passage of H.R. 3455 vacated and S. 1131 passed in lieu of; H.R. 3455 laid on the table, September 12, 1977 (H9186-95, H9261-62).

PUBLIC LAW 95-601 (NRC AUTHORIZATION ACT FOR FISCAL YEAR 1979)

[95TH CONGRESS, S. 2584]

[NOVEMBER 6, 1978]

AN ACT

To authorize appropriations to the Nuclear Regulatory Commission for fiscal year 1979, and for other purposes.

Nuclear
Regulatory
Commission.
Appropriation
authorization,
1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) There is hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2017), and section 305 of the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5875), for the fiscal year 1979, to remain available until expended \$333,007,000. Of such total amount authorized to be appropriated:

(1) Not more than \$47,162,000 may be used for "Nuclear Reactor Regulation"; of the total amount appropriated for this purpose, \$2,080,000 shall be available for Advanced Reactors;

(2) Not more than \$38,760,000 may be used for "Inspection and Enforcement";

(3) Not more than \$14,945,000 may be used for "Standards Development"; of the total amount appropriated for this purpose, \$650,000 shall be available for Low-Level Radiation activities, including those described in section 5 of this Act;

(4) Not more than \$27,240,000 may be used for "Nuclear Material Safety and Safeguards"; of the total amount appropriated for this purpose, \$8,127,000 shall be available for Nuclear Waste Disposal and Management activities;

(5) Not more than \$163,470,000 may be used for "Nuclear Regulatory Research"; of the total amount appropriated for this purpose, \$1,500,000 shall be available for the implementation of the Improved Safety Systems Research plan required by section 205(f) of the Energy Reorganization Act of 1974, as amended, \$4,448,000 shall be available for Nuclear Waste research activities, and \$18,333,000 shall be available for Advanced Reactor Research, including an authorization of \$3,900,000 to accelerate the effort in gas-cooled thermal reactor safety research.

42 U.S.C. 5845.

(6) Not more than \$13,480,000 may be used for "Program Technical Support";

(7) Not more than \$27,950,000 may be used for "Program Direction and Administration"; of the total amount appropriated for this purpose, \$225,000 shall be available for equal employment opportunity activities, including support of four positions in the Office of Equal Employment Opportunity.

(b)(1) Not more than \$14,285,000 of the aggregate amount authorized to be appropriated under paragraphs (1) through (7) of subsection (a) may be used for contracts encompassing research, studies, and technical assistance on domestic safeguards matters.

(2) Of the aggregate amount authorized to be appropriated under paragraphs (1) through (7) of subsection (a), \$1,000,000 shall be available for studies and analysis of alternative fuel cycles (including studies and analysis relating to licensing and safety, safeguards, and environmental aspects).

(c)(1) No amount appropriated pursuant to subsection (a) for purposes of subparagraphs (1) through (7) of such subsection, may be used for any function of the Commission in excess of the amount expressly authorized to be appropriated for functions referred to in such paragraphs, if such excess amount is in excess of \$500,000,

**Safeguard
research
contracts,
limitation.**

nor may the amount available from any appropriation for any function referred to in subparagraphs be reduced by more than \$500,000, unless

(i) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) has passed after the receipt by the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate of notice given by the Commission containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or

(ii) each such committee before the expiration of such period has transmitted to the Commission, written notice stating in substance that such committee has no objection to the proposed action.

(2) Of the amounts authorized to be appropriated for the purposes set forth in paragraphs (1) through (7) of subsection (a) of this section, the amounts available for Advanced Reactors, Low-Level Radiation, Nuclear Waste Disposal and Management, Improved Safety Systems Research, and Nuclear Waste Research, or that specified in subsection (b) (2) of this section for Alternative Fuel Cycle activities shall not be reprogramed, unless—

(i) a period of ninety calendar days (not including any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) has passed after the receipt by the Committee on Interior and Insular Affairs and the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate of notice given by the Commission containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or

(ii) each such committee before the expiration of such period has transmitted to the Commission, written notice stating in substance that such committee has no objection to the proposed action.

(d) No amount authorized to be appropriated by this Act may be used by the Commission to enter into any contract, providing funds in excess of \$20,000 encompassing research, study, or technical assistance on domestic safeguards matters except as directed by the Commission, by majority vote, following receipt by the Commission of a recommendation from the Executive Director for Operations supporting the need for such contract.

SEC. 2. Moneys received by the Commission for the cooperative nuclear research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

SEC. 3. Transfers of sums from salaries and expenses may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

Funds,
transfers.

SEC. 4. (a) Subsection (b) of section 209 of the Energy Reorganization Act of 1974, as amended, is amended by adding at the end thereof the following sentence: "Notwithstanding the preceding sentence, each such director shall keep the Executive Director fully and currently informed concerning the content of all such direct communications with the Commission."

42 U.S.C. 5849.

(b) Section 209 of the Energy Reorganization Act of 1974, as amended, is amended by adding a new subsection (c) to read as follows and redesignating existing subsection (c) accordingly:

Equal
employment
opportunity,
report.

"(c) The Executive Director shall report to the Commission at semi-annual public meetings on the problems, progress, and status of the Commission's equal employment opportunity efforts."

SEC. 5. (a) The Commission and the Environmental Protection Agency, in consultation with the Secretary of Health, Education, and Welfare, are authorized and directed to conduct preliminary planning and design studies for epidemiological research on the health effects of low-level ionizing radiation. In the conduct of such studies, the Commission and the Environmental Protection Agency shall consult with appropriate scientific organizations and Federal and State agencies.

Radiation,
health effects
studies,
consultation.
42 U.S.C. 2051
note.

(b) Within thirty days after the date of enactment of this section, the Commission and the Environmental Protection Agency shall submit to the Congress a memorandum of understanding to delineate their responsibilities in the conduct of the planning studies authorized by subsection (a) of this section.

Memorandum,
submittal to
Congress.

(c) On or before April 1, 1979, the Commission and the Environmental Protection Agency shall submit a report to the Congress containing an assessment of the capabilities and research needs of such agencies in the area of health effects of low-level ionizing radiation.

Reports to
Congress,
consultations.

(d) On or before September 30, 1979, the Commission and the Environmental Protection Agency, in consultation with the Secretary of Health, Education, and Welfare, shall submit a report to the Congress which includes a study of options for Federal epidemiological research on the health effects of low-level ionizing radiation.

tions, with evaluations of the feasibility of such options. Such report shall be consistent with the findings of the assessment required by subsection (c) of this section.

(e) In carrying out the activities specified in subsections (c) and (d) such agencies shall:

Cooperation.

(i) cooperate with appropriate scientific organizations and agencies involved in related research, and

Copies.

(ii) furnish copies of the reports required by those subsections to the organizations and agencies referred to in subsection (e) (i).

Annual status report.

SEC. 6. Section 209 of the Energy Reorganization Act of 1974 is amended by adding the following new subsection at the end thereof:

“(d) The Executive Director shall prepare and forward to the Commission an annual report (for the fiscal year 1978 and each succeeding fiscal year) on the status of the Commission’s programs concerning domestic safeguards matters including an assessment of the effectiveness and adequacy of safeguards at facilities and activities licensed by the Commission. The Commission shall forward to the Congress a report under this section prior to February 1, 1979, as a separate document, and prior to February 1 of each succeeding year as a separate chapter of the Commission’s annual report (required under section 307(c) of the Energy Reorganization Act of 1974) following the fiscal year to which such report applies.”.

Report to Congress.

42 U.S.C. 5877.

Review.
42 U.S.C. 5841
note.

SEC. 7. The Commission is authorized and directed to undertake a comprehensive review of the existing process for selection and training of members of the Atomic Safety and Licensing Boards, including, but not limited to, the selection criteria, including qualifications, the selection procedures, and the training programs for Board members. The Commission shall report to the Congress on the findings of such review by January 1, 1979, and shall revise such selection and training process as appropriate, based on such findings.

Report to Congress.

Disclosure rules.
42 U.S.C. 2210a.

SEC. 8. (a) Chapter 14 of the Atomic Energy Act of 1954 is amended by adding the following new section at the end thereof:

“SEC. 170A. CONFLICTS OF INTEREST RELATING TO CONTRACTS AND OTHER ARRANGEMENTS.—

“a. The Commission shall, by rule, require any person proposing to enter into a contract, agreement, or other arrangement, whether by competitive bid or negotiation, under this Act or any other law administered by it for the conduct of research, development, evaluation activities, or for technical and management support services, to provide the Commission, prior to entering into any such contract, agreement, or arrangement, with all relevant information, as determined by the Commission,

bearing on whether that person has a possible conflict of interest with respect to—

“(1) being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons, or

“(2) being given an unfair competitive advantage. Such person shall insure, in accordance with regulations prescribed by the Commission, compliance with this section by any subcontractor (other than a supply subcontractor) of such person in the case of any subcontract for more than \$10,000.

“b. The Commission shall not enter into any such contract agreement or arrangement unless it finds, after evaluating all information provided under subsection a. and any other information otherwise available to the Commission that—

“(1) it is unlikely that a conflict of interest would exist, or

“(2) such conflict has been avoided after appropriate conditions have been included in such contract, agreement, or arrangement; except that if the Commission determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Commission may enter into such contract, agreement, or arrangement, if the Commission determines that it is in the best interests of the United States to do so and includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

“c. The Commission shall publish rules for the implementation of this section, in accordance with section 553 of title 5, United States Code (without regard to subsection (a) (2) thereof) as soon as practicable after the date of the enactment of this section, but in no event later than 120 days after such date.”

Publication.

(b) The table of contents for such chapter 14 is amended by adding the following new item at the end thereof:

“SEC. 170A. Conflicts of interest relating to contracts and other arrangements.”.

SEC. 9. The Commission shall monitor and assist, as requested, the International Fuel Cycle Evaluation and the studies and evaluations of the various nuclear fuel cycle systems by the Department of Energy in progress as of the date of enactment, and report to the Congress semiannually through calendar year 1980 and annually through calendar year 1982 on the status of domestic and international evaluations of nuclear fuel cycle systems. This report shall include, but not be limited to, a summary of the information developed by and available to

Monitoring and assistance, reports to Congress.
42 U.S.C. 2153
note.

the Commission on the health, safety and safeguards implications of the leading fuel cycle technologies.

SEC. 10. Title II of the Energy Reorganization Act of 1974, as amended, is amended by adding at the end thereof a new section to read as follows:

“EMPLOYEE PROTECTION

42 U.S.C. 5851.

“SEC. 210. (a) No employer, including a Commission licensee, an applicant for a Commission license, or a contractor or a subcontractor of a Commission licensee or applicant, may discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

42 U.S.C. 2011
note.

“(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act or the Atomic Energy Act of 1954, as amended, or a proceeding for the administration or enforcement of any requirement imposed under this act or the Atomic Energy Act of 1954, as amended;

“(2) testified or is about to testify in any such proceeding or;

“(3) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other manner in such a proceeding or in any other action to carry out the purposes of this Act or the Atomic Energy Act of 1954, as amended.

Complaint,
filing and
notification.

“(b) (1) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, within thirty days after such violation occurs, file (or have any person file on his behalf) a complaint with the Secretary of Labor (hereinafter in this subsection referred to as the ‘Secretary’) alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify the person named in the complaint of the filing of the complaint and the Commission.

Investigation
and
notification.

“(2) (A) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an investigation of the violation alleged in the complaint. Within thirty days of the receipt of such complaint, the Secretary shall complete such investigation and shall notify in writing the complainant (and any person acting in his behalf) and the person alleged to have committed such violation of the results of the investigation conducted pursuant to this subparagraph. Within ninety days of the receipt of such complaint the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the person alleged to have committed such violation, issue

Order.

an order either providing the relief prescribed by subparagraph (B) or denying the complaint. An order of the Secretary shall be made on the record after notice and opportunity for public hearing. The Secretary may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.

Notice and
hearing.
Settlement.

“(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation to (i) take affirmative action to abate the violation, and (ii) reinstate the complainant to his former position together with the compensation (including back pay), terms, conditions, and privileges of his employment, and the Secretary may order such person to provide compensatory damages to the complainant. If an order is issued under this paragraph, the Secretary, at the request of the complainant shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys’ and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

Relief.

“(c) (1) Any person adversely affected or aggrieved by an order issued under subsection (b) may obtain review of the order in the United States court of appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred. The petition for review must be filed within sixty days from the issuance of the Secretary’s order. Review shall conform to chapter 7 of title 5 of the United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the Secretary’s order.

Review.

“(2) An order of the Secretary with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in any criminal or other civil proceeding.

5 U.S.C. 701
et seq.

“(d) Whenever a person has failed to comply with an order issued under subsection (b) (2), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief, compensatory, and exemplary damages.

Jurisdiction.

“(e) (1) Any person on whose behalf an order was issued under paragraph (2) of subsection (b) may commence a civil action against the person to whom such order was issued to require compliance with such order.

The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

Litigative
costs.

“(2) The court, in issuing any final order under this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

“(f) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28 of the United States Code.

“(g) Subsection (a) shall not apply with respect to any employee who, acting without direction from his or her employer (or the employer’s agent), deliberately causes a violation of any requirements of this Act or of the Atomic Energy Act of 1954, as amended.”

42 U.S.C. 2011
note.
Report to
Congress.

42 U.S.C. 2205a.

SEC. 11. The Commission shall report to the Congress on January 1, 1979, and annually thereafter on the use of contractors, consultants, and the National Laboratories by the Commission. Such report shall include, for each contract issued, in progress or completed during fiscal year 1978, information on the bidding procedure, nature of the work, amount and duration of the contract, progress of work, relation to previous contracts, and the relation between the amount of the contract and the amount actually spent.

Authority
extension,
study.

42 U.S.C. 5842
note.

SEC. 12. (a) The Commission, in cooperation with the Department of Energy, is authorized and directed to conduct a study of extending the Commission’s licensing or regulatory authority to include categories of existing and future Federal radioactive waste storage and disposal activities not presently subject to such authority.

Cooperation.

(b) Each Federal agency, subject to the provisions of existing law, shall cooperate with the Commission in the conduct of the study. Such cooperation shall include providing access to existing facilities and sites and providing any information needed to conduct the study which the agency may have or be reasonably able to acquire.

Report to
Congress.

(c) On or before March 1, 1979, the Commission shall submit a report to the Congress containing the results of the study. The report shall include a complete listing and inventory of all radioactive waste storage and disposal activities now being conducted or planned by Federal agencies.

SEC. 13. Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

Waste storage
or disposal
facility
planning,
notification.
42 U.S.C. 2021a.

SEC. 14. (a) Any person, agency, or other entity proposing to develop a storage or disposal facility, including a test disposal facility, for high-level radioactive wastes, non-high-level radioactive wastes including

transuranium contaminated wastes, or irradiated nuclear reactor fuel, shall notify the Commission as early as possible after the commencement of planning for a particular proposed facility. The Commission shall in turn notify the Governor and the State legislature of the State of proposed situs whenever the Commission has knowledge of such proposal.

(b) The Commission is authorized and directed to prepare a report on means for improving the opportunities for State participation in the process for siting, licensing, and developing nuclear waste storage or disposal facilities. Such report shall include detailed consideration of a program to provide grants through the Commission to any State, and the advisability of such a program, for the purpose of conducting an independent State review of any proposal to develop a nuclear waste storage or disposal facility identified in subsection (a) within such State. On or before March 1, 1979, the Commission shall submit the report to the Congress including recommendations for improving the opportunities for State participation together with any necessary legislative proposals.

State participation, report.

Submittal with legislative recommendations to Congress.

Approved November 6, 1978.

INDEX TO LEGISLATIVE HISTORY OF PUBLIC LAW 95-601 (S. 2584)

- Feb. 6, 1978—Introduced.
- Feb. 6, 1978—Subcommittee hearing.
- Feb. 9, 1978—Subcommittee hearing.
- Feb. 15, 1978—Subcommittee hearing.
- Mar. 20, 1978—Reported to Full Committee, amended.
- Apr. 19, 1978—Full Committee ordered reported, amended.
- Apr. 26, 1978—Full Committee action of Apr. 19, 1978, vacated and H.R. 12355 order reported in lieu.
- (See H.R. 12355.) (Tabled.)
- Apr. 25, 1978—Introduced.
- (See H.R. 10785 for earlier action).
- Apr. 26, 1978—Full Committee ordered reported.
- Apr. 26, 1978—Reported to House. H.Rept. 95-1089 (Part I)
- Apr. 27, 1978—Sequentially referred to House Interstate and Foreign Commerce Committee.
- May 15, 1978—Reported from Interstate and Foreign Commerce Committee. H.Rept. 95-1089 (Part II).
- May 22, 1978—Rule requested.
- Sept. 14, 1978—Rule granted. (H.Res. 1373, H.Rept. 95-1610).
- Oct. 4, 1978—S. 2584, amended, passed House in lieu of H.R. 12355. (Suspension).
- Oct. 5, 1978—Rule (H.Res. 1373) laid on the table. (See S. 2584).
- May 15, 1978—Reported in Senate. S.Rept. 95-848.
- Sept. 18, 1978—Passed Senate.
- (See H.R. 12355 for additional action).

- Oct. 4, 1978—Passed House, amended, in lieu of H.R. 12355.
(Suspension).
- Oct. 10, 1978—Senate asked for Conference. (Conferees: Mr. Hart, Mr. Randolph, and Mr. Domenici).
- Oct. 13, 1978—House agreed to Conference. (Conferees: Mr. Udall, Mr. Bingham, Mr. Sharp, Mr. Staggers, Mr. Dingell, Mr. Bauman, and Mr. Brown of Ohio).
- Oct. 14, 1978—Conference report filed. H.Rept. 95-1796
- Oct. 14, 1978—Passed House.
- Oct. 14, 1978—Passed Senate.
- Nov. 6, 1978—Approved. P.L. 95-601

PART IV. URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978

PUBLIC LAW 95-604 [H.R. 13650]

[92 STAT. 3021]

AN ACT

To authorize the Secretary of Energy to enter into cooperative agreements with certain States respecting residual radioactive material at existing sites, to provide for the regulation of uranium mill tailings under the Atomic Energy Act of 1954, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Uranium Mill
Tailings
Radiation
Control
Act of 1978.
42 U.S.C. 7901
note.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Uranium Mill Tailings Radiation Control Act of 1978".

TABLE OF CONTENTS

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.

TITLE I—REMEDIAL ACTION PROGRAM

- Sec. 101. Definitions.
- Sec. 102. Designation of processing sites.
- Sec. 103. State cooperative agreements.
- Sec. 104. Acquisition and disposition of land and materials.
- Sec. 105. Indian tribe cooperative agreements.
- Sec. 106. Acquisition of lands by Secretary.
- Sec. 107. Financial assistance.
- Sec. 108. Remedial action.
- Sec. 109. Rules.
- Sec. 110. Enforcement.
- Sec. 111. Public participation.
- Sec. 112. Termination; authorization.
- Sec. 113. Limitation.
- Sec. 114. Reports to Congress.
- Sec. 115. Active operations; liability for remedial action.

TITLE II—URANIUM MILL TAILINGS LICENSING AND REGULATIONS

- Sec. 201. Definition.
- Sec. 202. Custody of disposal site.
- Sec. 203. Authority to establish certain requirements.
- Sec. 204. Cooperation with States.

- Sec. 205. Authorities of Commission respecting certain byproduct material.
 Sec. 206. Authority of Environmental Protection Agency respecting certain byproduct material.
 Sec. 207. Authorization of appropriations for grants.
 Sec. 208. Effective date.
 Sec. 209. Consolidation of licenses and procedures.

TITLE III—STUDY AND DESIGNATION OF TWO MILL TAILING SITES IN NEW MEXICO

- Sec. 301. Study.
 Sec. 302. Designation by Secretary.

FINDINGS AND PURPOSES

42 U.S.C. 7901.

SEC. 2. (a) The Congress finds that uranium mill tailings located at active and inactive mill operations may pose a potential and significant radiation health hazard to the public, and that the protection of the public health, safety, and welfare and the regulation of interstate commerce require that every reasonable effort be made to provide for the stabilization, disposal, and control in a safe and environmentally sound manner of such tailings in order to prevent or minimize radon diffusion into the environment and to prevent or minimize other environmental hazards from such tailings.

(b) The purposes of this Act are to provide—

(1) in cooperation with the interested States, Indian tribes, and the persons who own or control inactive mill tailings sites, a program of assessment and remedial action at such sites, including, where appropriate, the reprocessing of tailings to extract residual uranium and other mineral values where practicable, in order to stabilize and control such tailings in a safe and environmentally sound manner and to minimize or eliminate radiation health hazards to the public, and

(2) a program to regulate mill tailings during uranium or thorium ore processing at active mill operations and after termination of such operations in order to stabilize and control such tailings in a safe and environmentally sound manner and to minimize or eliminate radiation health hazards to the public.

TITLE I—REMEDIAL ACTION PROGRAM

DEFINITIONS

42 U.S.C. 7911.

SEC. 101. For purposes of this title—

- (1) The term “Secretary” means the Secretary of Energy.
 (2) The term “Commission” means the Nuclear Regulatory Commission.

(3) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(4) The term "Indian tribe" means any tribe, band, clan, group, pueblo, or community of Indians recognized as eligible for services provided by the Secretary of the Interior to Indians.

(5) The term "person" means any individual, association, partnership, corporation, firm, joint venture, trust, government entity, and any other entity, except that such term does not include any Indian or Indian tribe.

(6) The term "processing site" means—

(A) any site, including the mill, containing residual radioactive materials at which all or substantially all of the uranium was produced for sale to any Federal agency prior to January 1, 1971 under a contract with any Federal agency, except in the case of a site at or near Slick Rock, Colorado, unless—

(i) such site was owned or controlled as of January 1, 1978, or is thereafter owned or controlled, by any Federal agency, or

(ii) a license (issued by the Commission or its predecessor agency under the Atomic Energy Act of 1954 or by a State as permitted under section 274 of such Act) for the production at such site of any uranium or thorium product derived from ores is in effect on January 1, 1978, or is issued or renewed after such date; and

(B) any other real property or improvement thereon which—

(i) is in the vicinity of such site, and

(ii) is determined by the Secretary, in consultation with the Commission, to be contaminated with residual radioactive materials derived from such site.

Any ownership or control of an area by a Federal agency which is acquired pursuant to a cooperative agreement under this title shall not be treated as ownership or control by such agency for purposes of subparagraph (A) (i). A license for the production of any uranium product from residual radioactive materials shall not be treated as a license for production from ores within the meaning of subparagraph (A) (ii) if such production is in accordance with section 108(b).

(7) The term "residual radioactive material" means—

(A) waste (which the Secretary determines to be radioactive) in the form of tailings resulting from the processing of ores for the extrac-

42 U.S.C. 2011
note.
42 U.S.C. 2021.

tion of uranium and other valuable constituents of the ores; and

(B) other waste (which the Secretary determines to be radioactive) at a processing site which relate to such processing, including any residual stock of unprocessed ores or low-grade materials.

(8) The term "tailings" means the remaining portion of a metal-bearing ore after some or all of such metal, such as uranium, has been extracted.

(9) The term "Federal agency" includes any executive agency as defined in section 105 of title 5 of the United States Code.

(10) The term "United States" means the 48 contiguous States and Alaska, Hawaii, Puerto Rico, the District of Columbia, and the territories and possessions of the United States.

DESIGNATION OF PROCESSING SITES

42 U.S.C. 7912.

SEC. 102. (a) (1) As soon as practicable, but no later than one year after enactment of this Act, the Secretary shall designate processing sites at or near the following locations:

Salt Lake City, Utah
 Green River, Utah
 Mexican Hat, Utah
 Durango, Colorado
 Grand Junction, Colorado
 Rifle, Colorado (two sites)
 Gunnison, Colorado
 Naturita, Colorado
 Maybell, Colorado
 Slick Rock, Colorado (two sites)
 Shiprock, New Mexico
 Ambrosia Lake, New Mexico
 Riverton, Wyoming
 Converse County, Wyoming
 Lakeview, Oregon
 Falls City, Texas
 Tuba City, Arizona
 Monument Valley, Arizona
 Lowman, Idaho
 Canonsburg, Pennsylvania

Remedial
 action.

Subject to the provisions of this title, the Secretary shall complete remedial action at the above listed sites before his authority terminates under this title. The Secretary shall within one year of the date of enactment of this Act also designate all other processing sites within the United States which he determines requires remedial action to carry out the purposes of this title. In making such designation, the Secretary shall consult with the

Administrator, the Commission, and the affected States, and in the case of Indian lands, the appropriate Indian tribe and the Secretary of the Interior.

(2) As part of his designation under this subsection, the Secretary, in consultation with the Commission, shall determine the boundaries of each such site.

(3) No site or structure with respect to which remedial action is authorized under Public Law 92-314 in Grand Junction, Colorado, may be designated by the Secretary as a processing site under this section. 86 Stat. 222.

(b) Within one year from the date of the enactment of this Act, the Secretary shall assess the potential health hazard to the public from the residual radioactive materials at designated processing sites. Based upon such assessment, the Secretary shall, within such one year period, establish priorities for carrying out remedial action at each such site. In establishing such priorities, the Secretary shall rely primarily on the advice of the Administrator. Health hazard assessment.

(c) Within thirty days after making designations of processing sites and establishing the priorities for such sites under this section, the Secretary shall notify the Governor of each affected State, and, where appropriate, the Indian tribes and the Secretary of the Interior. Notification.

(d) The designations made, and priorities established, by the Secretary under this section shall be final and not be subject to judicial review.

(e) (1) The designation of processing sites within one year after enactment under this section shall include, to the maximum extent practicable, the areas referred to in section 101(6) (B).

(2) Notwithstanding the one year limitation contained in this section, the Secretary may, after such one year period, include any areas described in section 101(6) (B) as part of a processing site designated under this section if he determines such inclusion to be appropriate to carry out the purposes of this title.

STATE COOPERATIVE AGREEMENTS

SEC. 103. (a) After notifying a State of the designation referred to in section 102 of this title, the Secretary subject to section 113, is authorized to enter into cooperative agreements with such State to perform remedial actions at each designated processing site in such State (other than a site located on Indian lands referred to in section 105). The Secretary shall, to the greatest extent practicable, enter into such agreements and carry out such remedial actions in accordance with the priorities established by him under section 102. The Secretary shall commence preparations for cooperative agreements with respect to each designated processing site as 42 U.S.C. 7913.

promptly as practicable following the designation of each site.

Terms and
Conditions.

(b) Each cooperative agreement under this section shall contain such terms and conditions as the Secretary deems appropriate and consistent with the purposes of this Act, including, but not limited to, a limitation on the use of Federal assistance to those costs which are directly required to complete the remedial action selected pursuant to section 108.

Written
consent.

(c) (1) Except where the State is required to acquire the processing site as provided in subsection (a) of section 104, each cooperative agreement with a State under section 103 shall provide that the State shall obtain, in a form prescribed by the Secretary, written consent from any person holding any record interest in the designated processing site for the Secretary or any person designated by him to perform remedial action at such site.

Waiver.

(2) Such written consent shall include a waiver by each such person on behalf of himself, his heirs, successors, and assigns—

(A) releasing the United States of any liability or claim thereof by such person, his heirs, successors, and assigns concerning such remedial action, and

(B) holding the United States harmless against any claim by such person on behalf of himself, his heirs, successors, or assigns arising out of the performance of any remedial action.

(d) Each cooperative agreement under this section shall require the State to assure that the Secretary, the Commission, and the Administrator and their authorized representatives have a permanent right of entry at any time to inspect the processing site and the site provided pursuant to section 104(b) (1) in furtherance of the provisions of this title and to carry out such agreement and enforce this Act and any rules prescribed under this Act. Such right of entry under this section or section 106 into an area described in section 101(6) (B) shall terminate on completion of the remedial action, as determined by the Secretary.

(e) Each agreement under this section shall take effect only upon the concurrence of the Commission with the terms and conditions thereof.

(f) The Secretary may, in any cooperative agreement entered into under this section or section 105, provide for reimbursement of the actual costs, as determined by the Secretary, of any remedial action performed with respect to so much of a designated processing site as is described in section 101(6) (B). Such reimbursement shall be made only to a property owner of record at the time such remedial action was undertaken and only with respect to costs incurred by such property owner. No such reimbursement may be made unless—

(1) such remedial action was completed prior to enactment of this Act, and unless the application for such reimbursement was filed by such owner within one year after an agreement under this section or section 105 is approved by the Secretary and the Commission, and

(2) the Secretary is satisfied that such action adequately achieves the purposes of this Act with respect to the site concerned and is consistent with the standards established by the Administrator pursuant to section 275(a) of the Atomic Energy Act of 1954.

Post, p. 3039.

ACQUISITION, AND DISPOSITION OF LANDS AND MATERIALS

SEC. 104. (a) Each cooperative agreement under section 103 shall require the State, where determined appropriate by the Secretary with the concurrence of the Commission, to acquire any designated processing site, including where appropriate any interest therein. In determining whether to require the State to acquire a designated processing site or interest therein, consideration shall be given to the prevention of windfall profits.

42 U.S.C. 7914.

(b)(1) If the Secretary with the concurrence of the Commission determines that removal of residual radioactive material from a processing site is appropriate, the cooperative agreement shall provide that the State shall acquire land (including, where appropriate, any interest therein) to be used as a site for the permanent disposition and stabilization of such residual radioactive materials in a safe and environmentally sound manner.

Residual
radioactive
material,
removal.

(2) Acquisition by the State shall not be required under this subsection if a site located on land controlled by the Secretary or made available by the Secretary of the Interior pursuant to section 106(a)(2) is designated by the Secretary, with the concurrence of the Commission, of such disposition and stabilization.

(c) No State shall be required under subsection (a) or (b) to acquire any real property or improvement outside the boundaries of—

(1) that portion of the processing site which is described in section 101(6)(A), and

(2) the site used for disposition of the residual radioactive materials.

(d) In the case of each processing site designated under this title other than a site designated on Indian land, the State shall take such action as may be necessary, and pursuant to regulations of the Secretary under this subsection, to assure that any person who purchases such a processing site after the removal of radioactive materials from such site shall be notified in an appropriate manner prior to such purchase, of the nature and extent of residual radioactive materials removed from the site, including

Notification.

notice of the date when such action took place, and the condition of such site after such action. If the State is the owner of such site, the State shall so notify any prospective purchaser before entering into a contract, option, or other arrangement to sell or otherwise dispose of such site. The Secretary shall issue appropriate rules and regulations to require notice in the local land records of the residual radioactive materials which were located at any processing site and notice of the nature and extent of residual radioactive materials removed from the site, including notice of the date when such action took place.

Rules and regulations.

(e) (1) The terms and conditions of any cooperative agreement with a State under section 103 shall provide that in the case of any lands or interests therein acquired by the State pursuant to subsection (a), the State, with the concurrence of the Secretary and the Commission, may—

(A) sell such lands and interests,

(B) permanently retain such land and interests in lands (or donate such lands and interests therein to another governmental entity within such State) for permanent use by such State or entity solely for park, recreational, or other public purposes, or

(C) transfer such lands and interests to the United States as provided in subsection (f).

No lands may be sold under subparagraph (A) without the consent of the Secretary and the Commission. No site may be sold under subparagraph (A) or retained under subparagraph (B) if such site is used for the disposition of residual radioactive materials.

(2) Before offering for sale any lands and interests therein which comprise a processing site, the State shall offer to sell such lands and interests at their fair market value to the person from whom the State acquired them.

(f) (1) Each agreement under section 103 shall provide that title to—

(A) the residual radioactive materials subject to the agreement, and

(B) any lands and interests therein which have been acquired by the State, under subsection (a) or (b), for the disposition of such materials,

shall be transferred by the State to the Secretary when the Secretary (with the concurrence of the Commission) determines that remedial action is completed in accordance with the requirements imposed pursuant to this title. No payment shall be made in connection with the transfer of such property from funds appropriated for purposes of this Act other than payments for any administrative and legal costs incurred in carrying out such transfer.

(2) Custody of any property transferred to the United States under this subsection shall be assumed by the Sec-

retary or such Federal agency as the President may designate. Notwithstanding any other provision of law, upon completion of the remedial action program authorized by this title, such property and minerals shall be maintained pursuant to a license issued by the Commission in such manner as will protect the public health, safety, and the environment. The Commission may, pursuant to such license or by rule or order, require the Secretary or other Federal agency having custody of such property and minerals to undertake such monitoring, maintenance, and emergency measures necessary to protect public health and safety and other actions as the Commission deems necessary to comply with the standards of section 275 (a) of the Atomic Energy Act of 1954. The Secretary or such other Federal agency is authorized to carry out maintenance, monitoring and emergency measures under this subsection, but shall take no other action pursuant to such license, rule or order with respect to such property and minerals unless expressly authorized by Congress after the date of enactment of this Act. The United States shall not transfer title to property or interest therein acquired under this subsection to any person or State, except as provided in subsection (h).

Post, p. 3039.

(g) Each agreement under section 103 which permits any sale described in subsection (e) (1) (A) shall provide for the prompt reimbursement to the Secretary from the proceeds of such sale. Such reimbursement shall be in an amount equal to the lesser of—

(1) that portion of the fair market value of the lands or interests therein which bears the same ratio to such fair market value as the Federal share of the costs of acquisition by the State to such lands or interest therein bears to the total cost of such acquisition, or

(2) the total amount paid by the Secretary with respect to such acquisition.

The fair market value of such lands or interest shall be determined by the Secretary as of the date of the sale by the State. Any amounts received by the Secretary under this title shall be deposited in the Treasury of the United States as miscellaneous receipts.

Fair market
value.

(h) No provision of any agreement under section 103 shall prohibit the Secretary of the Interior, with the concurrence of the Secretary of Energy and the Commission, from disposing of any subsurface mineral rights by sale or lease (in accordance with laws of the United States applicable to the sale, lease, or other disposal of such rights) which are associated with land on which residual radioactive materials are disposed and which are transferred to the United States as required under this section if the Secretary of the Interior takes such action as the Commission deems necessary pursuant to a

license issued by the Commission to assure that the residual radioactive materials will not be disturbed by reason of any activity carried on following such disposition. If any such materials are disturbed by any such activity, the Secretary of the Interior shall insure, prior to the disposition of the minerals, that such materials will be restored to a safe and environmentally sound condition as determined by the Commission, and that the costs of such restoration will be borne by the person acquiring such rights from the Secretary of the Interior or from his successor or assign.

INDIAN TRIBE COOPERATIVE AGREEMENTS

42 U.S.C. 7915.

SEC. 105. (a) After notifying the Indian tribe of the designation pursuant to section 102 of this title, the Secretary, in consultation with the Secretary of the Interior, is authorized to enter into a cooperative agreement, subject to section 113, with any Indian tribe to perform remedial action at a designated processing site located on land of such Indian tribe. The Secretary shall, to the greatest extent practicable, enter into such agreements and carry out such remedial actions in accordance with the priorities established by him under section 102. In performing any remedial action under this section and in carrying out any continued monitoring or maintenance respecting residual radioactive materials associated with any site subject to a cooperative agreement under this section, the Secretary shall make full use of any qualified members of Indian tribes resident in the vicinity of any such site. Each such agreement shall contain such terms and conditions as the Secretary deems appropriate and consistent with the purposes of this Act. Such terms and conditions shall require the following:

Terms and
conditions.

(1) The Indian tribe and any person holding any interest in such land shall execute a waiver (A) releasing the United States of any liability or claim thereof by such tribe or person concerning such remedial action and (B) holding the United States harmless against any claim arising out of the performance of any such remedial action.

(2) The remedial action shall be selected and performed in accordance with section 108 by the Secretary or such person as he may designate.

(3) The Secretary, the Commission, and the Administrator and their authorized representatives shall have a permanent right of entry at any time to inspect such processing site in furtherance of the provisions of this title, to carry out such agreement, and to enforce any rules prescribed under this Act. Each agreement under this section shall take effect only upon concurrence of the Commission with the terms and conditions thereof.

(b) When the Secretary with the concurrence of the Commission determines removal of residual radioactive materials from a processing site on lands described in subsection (a) to be appropriate, he shall provide, consistent with other applicable provisions of law, a site or sites for the permanent disposition and stabilization in a safe and environmentally sound manner of such residual radioactive materials. Such materials shall be transferred to the Secretary (without payment therefor by the Secretary) and permanently retained and maintained by the Secretary under the conditions established in a license issued by the Commission, subject to section 104(f) (2) and (h).

Transfer to
Secretary of
the Interior.

ACQUISITION OF LAND BY SECRETARY

SEC. 106. Where necessary or appropriate in order to consolidate in a safe and environmentally sound manner the location of residual radioactive materials which are removed from processing sites under cooperative agreements under this title, or where otherwise necessary for the permanent disposition and stabilization of such materials in such manner—

42 U.S.C. 7916.

(1) the Secretary may acquire land and interests in land for such purposes by purchase, donation, or under any other authority of law or

(2) the Secretary of the Interior may make available public lands administered by him for such purposes in accordance with other applicable provisions of law.

Prior to acquisition of land under paragraph (1) or (2) of this subsection in any State, the Secretary shall consult with the Governor of such State. No lands may be acquired under such paragraph (1) or (2) in any State in which there is no (1) processing site designated under this title or (2) active uranium mill operation, unless the Secretary has obtained the consent of the Governor of such State. No lands controlled by any Federal agency may be transferred to the Secretary to carry out the purposes of this Act without the concurrence of the chief administrative officer of such agency.

Consultation.

FINANCIAL ASSISTANCE

SEC. 107. (a) In the case of any designated processing site for which an agreement is executed with any State for remedial action at such site, the Secretary shall pay 90 per centum of the actual cost of such remedial action, including the actual costs of acquiring such site (and any interest therein) or any disposition site (and any interest therein) pursuant to section 103 of this title, and the State shall pay the remainder of such costs from non-

42 U.S.C. 7917.

Federal funds. The Secretary shall not pay the administrative costs incurred by any State to develop, prepare, and carry out any cooperative agreement executed with such State under this title, except the proportionate share of the administrative costs associated with the acquisition of lands and interests therein acquired by the State pursuant to this title.

(b) In the case of any designated processing site located on Indian lands, the Secretary shall pay the entire cost of such remedial action.

REMEDIAL ACTION

42 U.S.C. 7918. SEC. 108. (a) (1) The Secretary or such person as he may designate shall select and perform remedial actions at designated processing sites and disposal sites in accordance with the general standards prescribed by the Administrator pursuant to section 275 a. of the Atomic Energy Act of 1954. The State shall participate fully in the selection and performance of a remedial action for which it pays part of the cost. Such remedial action shall be selected and performed with the concurrence of the Commission and in consultation, as appropriate, with the Indian tribe and the Secretary of the Interior.

Post, p. 3039.

(2) The Secretary shall use technology in performing such remedial action as will insure compliance with the general standards promulgated by the Administrator under section 275 a. of the Atomic Energy Act of 1954 and will assure the safe and environmentally sound stabilization of residual radioactive materials, consistent with existing law. No such remedial action may be undertaken under this section before the promulgation by the Administrator of such standards.

Evaluation.

(b) Prior to undertaking any remedial action at a designated site pursuant to this title, the Secretary shall request expressions of interest from private parties regarding the remilling of the residual radioactive materials at the site and, upon receipt of any expression of interest, the Secretary shall evaluate among other things the mineral concentration of the residual radioactive materials at each designated processing site to determine whether, as a part of any remedial action program, recovery of such minerals is practicable. The Secretary, with the concurrence of the Commission, may permit the recovery of such minerals, under such terms and conditions as he may prescribe to carry out the purposes of this title. No such recovery shall be permitted unless such recovery is consistent with remedial action. Any person permitted by the Secretary to recover such mineral shall pay to the Secretary a share of the net profits derived from such recovery, as determined by the Secretary. Such share shall not exceed the total amount paid by the Sec-

retary for carrying out remedial action at such designated site. After payment of such share to the United States under this subsection, such person shall pay to the State in which the residual radioactive materials are located a share of the net profits derived from such recovery, as determined by the Secretary. The person recovering such minerals shall bear all costs of such recovery. Any person carrying out mineral recovery activities under this paragraph shall be required to obtain any necessary license under the Atomic Energy Act of 1954 or under State law as permitted under section 274 of such Act. 42 U.S.C. 2021.

RULES

SEC. 109. The Secretary may prescribe such rules consistent with the purposes of this Act as he deems appropriate pursuant to title V of the Department of Energy Organization Act. 42 U.S.C. 7919.

ENFORCEMENT

SEC. 110. (a) (1) Any person who violates any provision of this title or any cooperative agreement entered into pursuant to this title or any rule prescribed under this Act concerning any designated processing site, disposition site, or remedial action shall be subject to an assessment by the Secretary of a civil penalty of not more than \$1,000 per day per violation. Such assessment shall be made by order after notice and an opportunity for a public hearing, pursuant to section 554 of title 5, United States Code. 42 U.S.C. 7920.

Notice, hearing
opportunity.

(2) Any person against whom a penalty is assessed under this section may, within sixty calendar days after the date of the order of the Secretary assessing such penalty, institute an action in the United States court of appeals for the appropriate judicial circuit for judicial review of such order in accordance with chapter 7 of title 5, United States Code. The court shall have jurisdiction to enter a judgment affirming, modifying, or setting aside in whole or in part, the order of the Secretary, or the court may remand the proceeding to the Secretary for such further action as the court may direct.

5 U.S.C. 500
et seq.
Jurisdiction.

(3) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, the Secretary shall institute an action to recover the amount of such penalty in any appropriate district court of the United States. In such action, the validity and appropriateness of such final assessment order or judgment shall not be subject to review. Section 402(d) of the Department of Energy Organization Act shall not apply with respect to the functions of the Secretary under this section. 42 U.S.C. 7172.

(4) No civil penalty may be assessed against the United States or any State or political subdivision of a State or any official or employee of the foregoing.

(5) Nothing in this section shall prevent the Secretary from enforcing any provision of this title or any cooperative agreement or any such rule by injunction or other equitable remedy.

42 U.S.C. 2011
note.

(b) Subsection (a) shall not apply to any licensing requirement under the Atomic Energy Act of 1954. Such licensing requirements shall be enforced by the Commission as provided in such Act.

PUBLIC PARTICIPATION

42 U.S.C. 7921.

SEC. 111. In carrying out the provisions of this title, including the designation of processing sites, establishing priorities for such sites, the selection of remedial actions, and the execution of cooperative agreements, the Secretary, the Administrator, and the Commission shall encourage public participation and, where appropriate, the Secretary shall hold public hearings relative to such matters in the States where processing sites and disposal sites are located.

TERMINATION ; AUTHORIZATION

42 U.S.C. 7922.

SEC. 112. (a) The authority of the Secretary to perform remedial action under this title shall terminate on the date seven years after the date of promulgation by the Administrator of general standards applicable to such remedial action unless such termination date is specifically extended by an Act of Congress enacted after the date of enactment of this Act.

(b) The amounts authorized to be appropriated to carry out the purposes of this title by the Secretary, the Administrator, the Commission, and the Secretary of the Interior shall not exceed such amounts as are established in annual authorization Acts for fiscal year 1979 and each fiscal year thereafter applicable to the Department of Energy. Any sums appropriated for the purposes of this title shall be available until expended.

LIMITATION

42 U.S.C. 7923.

SEC. 113. The authority under this title to enter into contracts or other obligations requiring the United States to make outlays may be exercised only to the extent provided in advance in annual authorization and appropriation Acts.

REPORTS TO CONGRESS

42 U.S.C. 7924.

SEC. 114. (a) Beginning on January 1, 1980, and each year thereafter until January 1, 1986, the Secretary shall submit a report to the Congress with respect to the status of the actions required to be taken by the Secretary, the Commission, the Secretary of the Interior, the Adminis-

trator, and the States and Indian tribes under this Act and any amendments to other laws made by this Act. Each report shall—

- (1) include data on the actual and estimated costs of the program authorized by this title;
- (2) describe the extent of participation by the States and Indian tribes in this program;
- (3) evaluate the effectiveness of remedial actions, and describe any problems associated with the performance of such actions; and
- (4) contain such other information as may be appropriate.

Such report shall be prepared in consultation with the Commission, the Secretary of the Interior, and the Administrator and shall contain their separate views, comments, and recommendations, if any. The Commission shall submit to the Secretary and Congress such portion of the report under this subsection as relates to the authorities of the Commission under title II of this Act.

(b) Not later than July 1, 1979, the Secretary shall provide a report to the Congress which identifies all sites located on public or acquired lands of the United States containing residual radioactive materials and other radioactive waste (other than waste resulting from the production of electric energy) and specifies which Federal agency has jurisdiction over such sites. The report shall include the identity of property and other structures in the vicinity of such site that are contaminated or may be contaminated by such materials and the actions planned or taken to remove such materials. The report shall describe in what manner such sites are adequately stabilized and otherwise controlled to prevent radon diffusion from such sites into the environment and other environmental harm. If any site is not so stabilized or controlled, the report shall describe the remedial actions planned for such site and the time frame for performing such actions. In preparing the reports under this section, the Secretary shall avoid duplication of previous or ongoing studies and shall utilize all information available from other departments and agencies of the United States respecting the subject matter of such report. Such agencies shall cooperate with the Secretary in the preparation of such report and furnish such information as available to them and necessary for such report.

Cooperation.

(c) Not later than January 1, 1980, the Administrator, in consultation with the Commission, shall provide a report to the Congress which identifies the location and potential health, safety, and environmental hazards of uranium mine wastes together with recommendations, if any, for a program to eliminate these hazards.

(d) Copies of the reports required by this section to be submitted to the Congress shall be separately submitted to the Committees on Interior and Insular Affairs

and on Interstate and Foreign Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(e) The Commission, in cooperation with the Secretary, shall ensure that any relevant information, other than trade secrets and other proprietary information otherwise exempted from mandatory disclosure under any other provision of law, obtained from the conduct of each of the remedial actions authorized by this title and the subsequent perpetual care of those residual radioactive materials is documented systematically, and made publicly available conveniently for use.

ACTIVE OPERATIONS; LIABILITY FOR REMEDIAL ACTION

42 U.S.C. 7925.

SEC. 115. (a) No amount may be expended under this title with respect to any site licensed by the Commission under the Atomic Energy Act of 1954 or by a State as permitted under section 274 of such Act at which production of any uranium product from ores (other than from residual radioactive materials) takes place.

42 U.S.C. 2011
note.

42 U.S.C. 2021.
Study.

(b) In the case of each processing site designated under this title, the Attorney General shall conduct a study to determine the identity and legal responsibility which any person (other than the United States, a State, or Indian tribe) who owned or operated or controlled (as determined by the Attorney General) such site before the date of the enactment of this Act may have under any law or rule of law for reclamation or other remedial action with respect to such site. The Attorney General shall publish the results of such study, and provide copies thereof to the Congress, as promptly as practicable following the date of the enactment of this Act. The Attorney General, based on such study, shall, to the extent he deems it appropriate and in the public interest, take such action under any provision of law in effect when uranium was produced at such site to require payment by such person of all or any part of the costs incurred by the United States for such remedial action for which he determines such person is liable.

TITLE II—URANIUM MILL TAILINGS LICENSING AND REGULATION DEFINITION

42 U.S.C. 2014.

SEC. 201. Section 11e. of the Atomic Energy Act of 1954, is amended to read as follows:

"Byproduct
material."

"e. The term 'byproduct material' means (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (2) the tailings or wastes produced

by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content."

CUSTODY OF DISPOSAL SITE

SEC. 202. (a) Chapter 8 of the Atomic Energy Act of 1954, is amended by adding the following new section at the end thereof: 42 U.S.C. 2111 *et seq.* 42 U.S.C. 2113.

"SEC. 83. OWNERSHIP AND CUSTODY OF CERTAIN BY-PRODUCT MATERIAL AND DISPOSAL SITES.—

"a. Any license issued or renewed after the effective date of this section under section 62 or section 81 for any activity which results in the production of any byproduct material, as defined in section 11e. (2), shall contain such terms and conditions as the Commission determines to be necessary to assure that, prior to termination of such license— 42 U.S.C. 2002, 2111. 42 U.S.C. 2014.

"(1) the licensee will comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission for sites (A) at which ores were processed primarily for their source material content and (B) at which such byproduct material is deposited, and

"(2) ownership of any byproduct material, as defined in section 11 e. (2), which resulted from such licensed activity shall be transferred to (A) the United States or (B) in the State in which such activity occurred if such State exercises the option under subsection b. (1) to acquire land used for the disposal of byproduct material. 42 U.S.C. 2014.

Any license in effect on the date of the enactment of this section shall either contain such terms and conditions on renewal thereof after the effective date of this section, or comply with paragraphs (1) and (2) upon the termination of such license, whichever first occurs.

"(b) (1) (A) The Commission shall require by rule, regulation, or order that prior to the termination of any license which is issued after the effective date of this section, title to the land, including any interests therein (other than land owned by the United States or by a State) which is used for the disposal of any byproduct material, as defined by section 11 e. (2), pursuant to such license shall be transferred to— Rule, regulation or order.

"(A) the United States, or

"(B) the State in which such land is located, at the option of such State.

"(2) Unless the Commission determines prior to such termination that transfer of title to such land and such byproduct material is not necessary or desirable to protect the public health, safety, or welfare or to minimize

or eliminate danger to life or property. Such determination shall be made in accordance with section 181 of this Act. Notwithstanding any other provision of law or any such determination, such property and materials shall be maintained pursuant to a license issued by the Commission pursuant to section 84(b) in such manner as will protect the public health, safety, and the environment.

“(B) If the Commission determines by order that use of the surface or subsurface estates, or both, of the land transferred to the United States or to a State under subparagraph (A) would not endanger the public health, safety, welfare, or environment, the Commission, pursuant to such regulations as it may prescribe, shall permit the use of the surface or subsurface estates, or both, of such land in a manner consistent with the provisions of this section. If the Commission permits such use of such land, it shall provide the person who transferred such land with the right of first refusal with respect to such use of such land.

“(2) If transfer to the United States of title to such byproduct material and such land is required under this section, the Secretary of Energy or any Federal agency designated by the President shall, following the Commission’s determination of compliance under subsection c., assume title and custody of such byproduct material and land transferred as provided in this subsection. Such Secretary or Federal agency shall maintain such material and land in such manner as will protect the public health and safety and the environment. Such custody may be transferred to another officer or instrumentality of the United States only upon approval of the President.

“(3) If transfer to a State of title to such byproduct material is required in accordance with this subsection, such State shall, following the Commission’s determination of compliance under subsection d., assume title and custody of such byproduct material and land transferred as provided in this subsection. Such State shall maintain such material and land in such manner as will protect the public health, safety, and the environment.

42 U.S.C. 2092.

“(4) In the case of any such license under section 62, which was in effect on the effective date of this section, the Commission may require, before the termination of such license, such transfer of land and interests therein (as described in paragraph (1) of this subsection) to the United States or a State in which such land is located, at the option of such State, as may be necessary to protect the public health, welfare, and the environment from any effects associated with such byproduct material. In exercising the authority of this paragraph, the Commission shall take into consideration the status of the ownership of such land and interests therein and the ability of the licensee to transfer title and custody thereof to the United States or a State.

"(5) The Commission may, pursuant to a license, or by rule or order, require the Secretary or other Federal agency or State having custody of such property and materials to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety and such other actions as the Commission deems necessary to comply with the standards promulgated pursuant to section 84 of this Act. The Secretary or such other Federal agency is authorized to carry out maintenance, monitoring, and emergency measures, but shall take no other action pursuant to such license, rule or order, with respect to such property and materials unless expressly authorized by Congress after the date of enactment of this Act.

Post, p. 3039.

"(6) The transfer of title to land or byproduct materials, as defined in section 11 e. (2), to a State or the United States pursuant to this subsection shall not relieve any licensee of liability for any fraudulent or negligent acts done prior to such transfer.

42 U.S.C. 2014.

"(7) Material and land transferred to the United States or a State in accordance with this subsection shall be transferred without cost to the United States or a State (other than administrative and legal costs incurred in carrying out such transfer). Subject to the provisions of paragraph (1)(B) of this subsection, the United States or a State shall not transfer title to material or property acquired under this subsection to any person, unless such transfer is in the same manner as provided under section 104(h) of the Uranium Mill Tailings Radiation Control Act of 1978.

"(8) The provisions of this subsection respecting transfer of title and custody to land shall not apply in the case of lands held in trust by the United States for any Indian tribe or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States. In the case of such lands which are used for the disposal of byproduct material, as defined in section 11 e. (2), the licensee shall be required to enter into such arrangements with the Commission as may be appropriate to assure the long-term maintenance and monitoring of such lands by the United States.

"c. Upon termination on any license to which this section applies, the Commission shall determine whether or not the licensee has complied with all applicable standards and requirements under such license."

(b) This section shall be effective three years after the enactment of this Act.

(c) The table of contents for chapter 8 of the Atomic Energy Act of 1954, is amended by inserting the following new item after the item relating to section 82:

Effective date.
42 U.S.C. 2113
note.

"Sec. 83. Ownership and custody of certain byproduct material and disposal sites."

AUTHORITY TO ESTABLISH CERTAIN REQUIREMENTS

42 U.S.C. 2201. SEC. 203. Section 161 of the Atomic Energy Act of 1954, is amended by adding the following new subsection at the end thereof:

42 U.S.C. 2231. "x. Establish by rule, regulation, or order, after public notice, and in accordance with the requirements of section 181 of this Act, such standards and instructions as the Commission may deem necessary or desirable to ensure—

42 U.S.C. 2014. "(1) that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided before termination of any license for byproduct material as defined in section 11 e. (2), by a licensee to permit the completion of all requirements established by the Commission for the decontamination, decommissioning, and reclamation of sites, structures, and equipment used in conjunction with byproduct material as so defined, and

"(2) that—

"(A) in the case of any such license issued or renewed after the date of the enactment of this subsection, the need for long term maintenance and monitoring of such sites, structures and equipment after termination of such license will be minimized and, to the maximum extent practicable, eliminated; and

"(B) in the case of each license for such material (whether in effect on the date of the enactment of this section or issued or renewed thereafter), if the Commission determines that any such long-term maintenance and monitoring is necessary, the licensee, before termination of any license for byproduct material as defined in section 11 e. (2), will make available such bonding, surety, or other financial arrangements as may be necessary to assure such long-term maintenance and monitoring.

Such standards and instructions promulgated by the Commission pursuant to this subsection shall take into account, as determined by the Commission, so as to avoid unnecessary duplication and expense, performance bonds or other financial arrangements which are required by other Federal agencies or State agencies and/or other local governing bodies for such decommissioning, decontamination, and reclamation and long-term maintenance and monitoring except that nothing in this paragraph shall be construed to require that the Commission accept such bonds or arrangements if the Commission determines that such bonds or arrangements are not adequate to carry out subparagraphs (1) and (2) of this subsection."

COOPERATION WITH STATES

SEC. 204. (a) Section 274 b. of the Atomic Energy Act of 1954, is amended by adding "as defined in section 11 e. (1)" after the words "byproduct materials" in paragraph (1) by renumbering paragraphs (2) and (3) as paragraphs (3) and (4); and by inserting the following new paragraph immediately after paragraph (1):

42 U.S.C. 2021.

"(2) byproduct materials as defined in section 11 e. (2);".

42 U.S.C. 2021.

(b) Section 274 d. (2) of such Act is amended by inserting the following before the word "compatible": "in accordance with the requirements of subsection o. and in all other respects".

(c) Section 274 n. of such Act is amended by adding the following new sentence at the end thereof: "As used in this section, the term 'agreement' includes any amendment to any agreement."

"Agreement."

(d) Section 274 j. of such Act is amended—

(1) by inserting "all or part of" after "suspend";

(2) by inserting "(1)" after "finds that"; and

(3) by adding at the end before the period the following: "or (2) the State has not complied with one or more of the requirements of this section. The Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section."

Review.

(e) (1) Section 274 of such Act is amended by adding the following new subsection at the end thereof:

"o. In the licensing and regulation of byproduct material, as defined in section 11 e. (2) of this Act, or of any activity which results in the production of byproduct material as so defined under an agreement entered into pursuant to subsection b., a State shall require—

"(1) compliance with the requirements of subsection b. of section 83 (respecting ownership of byproduct material and land), and

"(2) compliance with standards which shall be adopted by the State for the protection of the public health, safety, and the environment from hazards associated with such material which are equivalent, to the extent practicable, or more stringent than, standards adopted and enforced by the Commission for the same purpose, including requirements and standards promulgated by the Commission and the Administrator of the Environmental Protection Agency pursuant to sections 83, 84, and 275, and

Ante, p. 3033.
Post, p. 3039.

"(3) procedures which—

"(A) in the case of licenses, provide procedures under State law which include—

“(i) an opportunity, after public notice, for written comments and a public hearing, with a transcript,

“(ii) an opportunity for cross examination, and

“(iii) a written determination which is based upon findings included in such determination and upon the evidence presented during the public comment period and which is subject to judicial review;

“(B) in the case of rulemaking, provide an opportunity for public participation through written comments or a public hearing and provide for judicial review of the rule;

“(C) require for each license which has a significant impact on the human environment a written analysis (which shall be available to the public before the commencement of any such proceedings) of the impact of such license, including any activities conducted pursuant thereto, on the environment, which analysis shall include—

“(i) an assessment of the radiological and nonradiological impacts to the public health of the activities to be conducted pursuant to such license;

“(ii) an assessment of any impact on any waterway and groundwater resulting from such activities;

“(iii) consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted pursuant to such license; and

“(iv) consideration of the long-term impacts, including decommissioning, decontamination, and reclamation impacts, associated with activities to be conducted pursuant to such license, including the management of any byproduct material, as defined by section 11 e. (2); and

“(D) prohibit any major construction activity with respect to such material prior to complying with the provisions of subparagraph (C).

If any State under such agreement imposes upon any licensee any requirement for the payment of funds to such State for the reclamation or long-term maintenance and monitoring of such material, and if transfer to the United States of such material is required in accordance with section 83 b. of this Act, such agreement shall be amended by the Commission to provide that such State shall transfer to the United States upon termination of the license issued to such licensee the total amount collected by such State from such licensee for such purpose.

If such payments are required, they must be sufficient to ensure compliance with the standards established by the Commission pursuant to section 161 x. of this Act. No State shall be required under paragraph (3) to conduct proceedings concerning any license or regulation which would duplicate proceedings conducted by the Commission.”. 42 U.S.C. 2201.

(f) Section 274 c. of such Act is amended by inserting the following new sentence after paragraph (4) thereof: “The Commission shall also retain authority under any such agreement to make a determination that all applicable standards and requirements have been met prior to termination of a license for byproduct material, as defined in section 11 e. (2).”. 42 U.S.C. 2021.

(g) Nothing in any amendment made by this section shall preclude any State from exercising any other authority as permitted under the Atomic Energy Act of 1954 respecting any byproduct material, as defined in section 11 e. (2) of the Atomic Energy Act of 1954. 42 U.S.C. 2014.
42 U.S.C. 2021
note.

(h) (1) On or before the date three years after the date of the enactment of this Act, notwithstanding any amendment made by this title, any State may exercise any authority under State law respecting byproduct material, as defined in section 11 e. (2) of the Atomic Energy Act of 1954, in the same manner, and to the same extent, as permitted before the enactment of this Act. 42 U.S.C. 2021
note.

(2) An agreement entered into with any State as permitted under section 274 of the Atomic Energy Act of 1954 with respect to byproduct material as defined in section 11 e. (2) of such Act, may be entered into at any time after the date of the enactment of this Act but no such agreement may take effect before the date three years after the date of the enactment of this Act.

AUTHORITIES OF COMMISSION RESPECTING CERTAIN BYPRODUCT MATERIAL

SEC. 205. (a) Chapter 8 of the Atomic Energy Act of 1954, is amended by adding the following new section at the end thereof: 42 U.S.C. 2111
et seq.
42 U.S.C. 2114.

“SEC. 84. AUTHORITIES OF COMMISSION RESPECTING CERTAIN BYPRODUCT MATERIAL.—

“a. The Commission shall insure that the management of any byproduct material, as defined in section 11 e. (2), is carried out in such manner as— 42 U.S.C. 2014.

“(1) the Commission deems appropriate to protect the public health and safety and the environment from radiological and nonradiological hazards associated with the processing and with the possession and transfer of such material,

“(2) conforms with applicable general standards promulgated by the Administrator of the Environ-

- Infra.* mental Protection Agency under section 275, and
“(3) conforms to general requirements established by the Commission, with the concurrence of the Administrator, which are, to the maximum extent practicable, at least comparable to requirements applicable to the possession, transfer, and disposal of similar hazardous material regulated by the Administrator under the Solid Waste Disposal Act, as amended.
- 42 U.S.C. 6091. “b. In carrying out its authoity under this section, the Commission is authorized to—
“(1) by rule, regulation, or order require persons, officers, or instrumentalities exempted from licensing under section 81 of this Act to conduct monitoring, perform remedial work, and to comply with such other measures as it may deem necessary or desirable to protect health or to minimize danger to life or property, and in connection with the disposal or storage of such byproduct material; and
“(2) make such studies and inspections and to conduct such monitoring as may be necessary.
- 42 U.S.C. 2111. Any violation by any person other than the United States or any officer or employee of the United States or a State of any rule, regulation, or order or licensing provision, of the Commission established under this section or section 83 shall be subject to a civil penalty in the same manner and in the same amount as violations subject to a civil penalty under section 234. Nothing in this section affects any authority of the Commission under any other provision of this Act.”
- Ante*, p. 3033. (b) The first sentence of section 81 of the Atomic Energy Act of 1954, is amended to read as follows: “No person may transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, own, possess, import, or export any byproduct material, except to the extent authorized by this section, section 82 or section 84.”
- 42 U.S.C. 2282. (c) The table of contents for such chapter 8 is amended by inserting the following new item after the item relating to section 83:
“Sec. 84. Authorities of Commission respecting certain byproduct material.”
- 42 U.S.C. 2112. *Supra.*

AUTHORITY OF ENVIRONMENTAL PROTECTION AGENCY RESPECTING CERTAIN BYPRODUCT MATERIAL

- 42 U.S.C. 2021.
42 U.S.C. 2022. SEC. 206. (a) Chapter 19 of the Atomic Energy Act of 1954, is amended by inserting after section 274 the following new section:
“SEC. 275. HEALTH AND ENVIRONMENTAL STANDARDS FOR URANIUM MILL TAILINGS.—
“a. As soon as practicable, but not later than one year after the date of enactment of this section, the Adminis-
- Rule.

trator of the Environmental Protection Agency (hereinafter referred to in this section as the 'Administrator') shall, by rule, promulgate standards of general application (including standards applicable to licenses under section 104(h) of the Uranium Mill Tailings Radiation Control Act of 1978) for the protection of the public health, safety, and the environment from radiological and non-radiological hazards associated with residual radioactive materials (as defined in section 101 of the Uranium Mill Tailings Radiation Control Act of 1978) located at inactive uranium mill tailings sites and depository sites for such materials selected by the Secretary of Energy, pursuant to title I of the Uranium Mill Tailings Radiation Control Act of 1978. Standards promulgated pursuant to this subsection shall, to the maximum extent practicable, be consistent with the requirements of the Solid Waste Disposal Act, as amended. The Administrator may periodically revise any standard promulgated pursuant to this subsection.

42 U.S.C. 6901
note.

"b. (1) As soon as practicable, but not later than eighteen months after the enactment of this section, the Administrator shall, by rule, promulgate standards of general application for the protection of the public health, safety, and the environment from radiological and non-radiological hazards associated with the processing and with the possession, transfer, and disposal of byproduct material, as defined in section 11 e. (2) of this Act, at sites at which ores are processed primarily for their source material content or which are used for the disposal of such byproduct material.

Rule.

42 U.S.C. 2014.

"(2) Such generally applicable standards promulgated pursuant to this subsection for nonradiological hazards shall provide for the protection of human health and the environment consistent with the standards required under subtitle C of the Solid Waste Disposal Act, as amended, which are applicable to such hazards: *Provided, however,* That no permit issued by the Administrator is required under this Act or the Solid Waste Disposal Act, as amended, for the processing, possession, transfer, or disposal of byproduct material, as defined in section 11 e. (2) of this Act. The Administrator may periodically revise any standard promulgated pursuant to this subsection. Within three years after such revision of any such standard, the Commission and any State permitted to exercise authority under section 274 b. (2) shall apply such revised standard in the case of any license for byproduct material as defined in section 11 e. (2) or any revision thereof.

42 U.S.C. 2021.

"c. (1) Before the promulgation of any rule pursuant to this section, the Administrator shall publish the proposed rule in the Federal Register, together with a statement of the research, analysis, and other available information in support of such proposed rule, and provide

Publication in
Federal
Register.
Notice, hearing
opportunity.

Consultation.

Judicial
review.

5 U.S.C. 701
et seq.

42 U.S.C. 2021.

42 U.S.C. 2014.
42 U.S.C. 7401
note.
33 U.S.C. 1251
note.
42 U.S.C. 2018
et seq.

a period of public comment of at least thirty days for written comments thereon and an opportunity, after such comment period and after public notice, for any interested person to present oral data, views, and arguments at a public hearing. There shall be a transcript of any such hearing. The Administrator shall consult with the Commission and the Secretary of Energy before promulgation of any such rule.

“(2) Judicial review of any rule promulgated under this section may be obtained by any interested person only upon such person filing a petition for review within sixty days after such promulgation in the United States court of appeals for the Federal judicial circuit in which such person resides or has his principal place of business. A copy of the petition shall be forthwith transmitted by the clerk of court to the Administrator. The Administrator thereupon shall file in the court the written submissions to, and transcript of, the written or oral proceedings on which such rule was based as provided in section 2112 of title 28, United States Code. The court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. The judgment of the court affirming, modifying, or setting aside, in whole or in part, any such rule shall be final, subject to judicial review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“(3) Any rule promulgated under this section shall not take effect earlier than sixty calendar days after such promulgation.

“d. Implementation and enforcement of the standards promulgated pursuant to subsection b. of this section shall be the responsibility of the Commission in the conduct of its licensing activities under this Act. States exercising authority pursuant to section 274 b. (2) of this Act shall implement and enforce such standards in accordance with subsection o. of such section.

“e. Nothing in this Act applicable to byproduct material, as defined in section 11 e. (2) of this Act, shall affect the authority of the Administrator under the Clean Air Act of 1970, as amended, or the Federal Water Pollution Control Act, as amended.”

(b) The table of contents for chapter 19 of the Atomic Energy Act is amended by inserting the following new item after the item relating to section 274:

“Sec. 275. Health and environmental standards for uranium tailings.”

AUTHORIZATION OF APPROPRIATION FOR GRANTS

SEC. 207. There is hereby authorized to be appropriated for fiscal year 1980 to the Nuclear Regulatory Com-

mission not to exceed \$500,000 to be used for making grants to States which have entered into agreements with the Commission under section 274 of the Atomic Energy Act of 1954, to aid in the development of State regulatory programs under such section which implement the provisions of this Act.

EFFECTIVE DATE

SEC. 208. Except as otherwise provided in this title the amendments made by this title shall take effect on the date of the enactment of this Act.

42 U.S.C. 2014
note.

CONSOLIDATION OF LICENSES AND PROCEDURES

SEC. 209. The Nuclear Regulatory Commission shall consolidate, to the maximum extent practicable, licenses and licensing procedures under amendments made by this title with licenses and licensing procedures under other authorities contained in the Atomic Energy Act of 1954.

42 U.S.C. 2113
note.

42 U.S.C. 2011
note.

TITLE III—STUDY AND DESIGNATION OF TWO MILL TAILINGS SITES IN NEW MEXICO

STUDY

SEC. 301. The Commission, in consultation with the Attorney General and the Attorney General of the State of New Mexico, shall conduct a study to determine the extent and adequacy of the authority of the Commission and the State of New Mexico to require, under the Atomic Energy Act of 1954 (as amended by title II of this Act) or under State authority as permitted under section 274 of such Act or under other provision of law, the owners of the following active uranium mill sites to undertake appropriate action to regulate and control all residual radioactive materials at such sites to protect public health, safety, and the environment: the former Homestake-New Mexico Partners site near Milan, New Mexico, and the Anaconda carbonate process tailings site near Bluewater, New Mexico. Such study shall be completed and a report thereof submitted to the Congress and to the Secretary within one year after enactment of this Act, together with such recommendations as may be appropriate. If the Commission determines that such authority is not adequate to regulate and control such materials at such sites in the manner provided in the first sentence of this section, the Commission shall include in the report a statement of the basis for such determination. Nothing in this Act shall be construed to prevent or delay action by a State as permitted under section 274 of the Atomic Energy Act of 1954 or under any other provision of law or by the Commission to regulate such residual radioactive materials at such sites prior to completion of such study.

42 U.S.C. 7941.

42 U.S.C. 2021.

Report to
Congress.

DESIGNATION BY SECRETARY

42 U.S.C. 7942.

Submittal to
congressional
committees.

SEC. 302. (a) Within ninety days from the date of his receipt of the report and recommendations submitted by the Commission under section 301, notwithstanding the limitations contained in section 101(6) (A) and in section 115(a), if the Commission determines, based on such study, that such sites cannot be regulated and controlled by the State or the Commission in the manner described in section 301, the Secretary may designate either or both of the sites referred to in section 301 as a processing site for purposes of title I. Following such designation, the Secretary may enter into cooperative agreements with New Mexico to perform remedial action pursuant to such title concerning only the residual radioactive materials at such site resulting from uranium produced for sale to a Federal agency prior to January 1, 1971, under contract with such agency. Any such designation shall be submitted by the Secretary, together with his estimate of the cost of carrying out such remedial action at the designated site, to the Committee on Interior and Insular Affairs and the Committee on Interstate and Foreign Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate.

(b) (1) No designation under subsection (a) shall take effect before the expiration of one hundred and twenty calendar days (not including any day in which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die) after receipt by such Committees of such designation.

(c) Except as otherwise specifically provided in subsection (a), any remedial action under title I with respect to any sites designated under this title shall be subject to the provisions of title I (including the authorization of appropriations referred to in section 112(b)).

Approved November 8, 1978.

Legislative History:

House Report No. 95-1480, Pt. I (Comm. on Interior and Insular Affairs) and Pt. II (Comm. on Interstate and Foreign Commerce).

Congressional Record, Vol. 124 (1978):

Oct. 3, considered and passed House.

Oct. 13, considered and passed Senate, amended.

Oct. 14, House concurred in Senate amendment with amendments.

Oct. 15, Senate concurred in House amendment.

PART V
APPENDIXES

APPENDIX 1

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¹ 2d sec. 210 added to act.

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APPENDIX 3

INDEX TO LEGISLATIVE HISTORY OF THE ATOMIC ENERGY ACT OF 1954 AND AMENDMENTS

Public Law 83-703—H.R. 9757

To amend the Atomic Energy Act of 1946, as amended, and for other purposes

(Page references are to Congressional Record, 83d Cong., 2d sess.)

Mr. Cole of New York ; Joint Committee on Atomic Energy, 9414.
Reported (H. Rept. 2181), 10303.
Made special order (H. Res. 630), 11438.
Debated, 11655.
Passed House, 12024.
Amended and passed Senate (in lieu of S. 3690), 12242.
House disagrees to Senate amendments and asks for a conference, 12438.
Conferees appointed, 12438.
Senate insists on its amendments and agrees to a conference, 12380.
Conferees appointed, 12380.
Conference report (No. 2639) submitted in House and agreed to, 13056.
Conference report submitted in Senate and rejected, 14338.
Senate insists upon its amendments and asks a further conference, 14364.
Conferees appointed, 14364.
House agrees to further conference, 14628.
Conferees appointed, 14628.
Conference report (No. 2666) submitted in House and agreed to, 14852.
Conference report submitted in Senate and agreed to, 14603.
Examined and signed, 15097, 15305.
Presented to the President, 15558.
Approved (Public Law 703), 15564.

Companion bill—S. 3690

Mr. Hickenlooper, from Joint Committee on Atomic Energy (S. Rept. 1699), 9260.
Ordered placed on the calendar, 9260.
Objected to, 9737.
Debated, 10364, 10368, 10465, 10478, 10479, 10480, 10513, 10552, 10568, 10589, 10594,
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12001, 12132, 12193, 12204.
Indefinitely postponed (H.R. 9757 passed in lieu), 12242.

Prior bill—H.R. 8862

Mr. Cole of New York ; Joint Committee on Atomic Energy, 5251.

Prior bill—S. 3323

Mr. Hickenlooper ; Joint Committee on Atomic Energy, 5258.

Public Law 84-337—H.R. 7684

To authorize the Atomic Energy Commission to pay the salary of a Commissioner
during the recess of the Senate, and for other purposes

(265)

(Page references are to Congressional Record, 84th Cong., 1st sess.)

Mr. Durham ; Joint Committee on Atomic Energy, 11942.
 Reported (H. Rept. 1552), 11940.
 Passed House, 12147.
 Passed Senate (in lieu of S. 2671), 12253.
 Examined and signed, 12591, 12745.
 Presented to the President, 13076.
 President returns bill pursuant to House Concurrent Resolution 196, 13072.
 Examined and signed, 12963, 13077.
 Presented to the President, 13079.
 Approved (Public Law 337), 13081.

Companion bill—S. 2671

Mr. Anderson ; from Joint Committee on Atomic Energy (S. Rept. 1198), 11753.
 Ordered placed on the calendar, 11753.
 Passed Senate, 12231.
 Vote reconsidered, 12231.
 Indefinitely postponed (H.R. 7684 passed in lieu), 12253.

Public Law 84-722—H.R. 11926

To amend the Atomic Energy Act of 1954, to permit the negotiation of commercial leases at atomic energy communities, and for other purposes

(Page references are to Congressional Record, 84th Cong., 2d sess.)

Mr. Dempsey ; referred to Joint Committee on Atomic Energy, 9883.
 Reported (H. Rept. 2431), 9882.
 Passed House, 9937.
 Received in Senate and referred to Joint Committee on Atomic Energy, 9989.
 Reported (S. Rept. 2384), 10118.
 Objected to, 10453.
 Passed Senate, 10606.
 Examined and signed, 10857, 10930.
 Presented to President, 11064.
 Approved (Public Law 722), 11745.

Public Law 84-1006—S. 4203

To amend the Atomic Energy Act of 1954, as amended, and for other purposes

Amends sections 11a, 31, 161 of the Atomic Energy Act of 1954, as amended adds new sections 229, 230, and 231, and adds perfecting amendment to several sections of the Atomic Energy Act.

(Page references are to Congressional Record, 84th Cong., 2d sess.)

Mr. Anderson ; reported from Joint Committee on Atomic Energy (S. Rept. 2530), 11091.
 Objected to, 11624.
 Passed Senate, 12062.
 Passed House (in lieu of H.R. 12215), 13599.
 Examined and signed, A6459.
 Presented to President, A6460.
 Approved (Public Law 1006), A6462.

Companion bill—H.R. 12215

Mr. Durham ; referred to Joint Committee on Atomic Energy, 11424.
 Reported (H. Rept. 2695), 11424.
 Laid on table and S. 4203 passed in lieu, 13599.

Public Law 85-14—H.R. 5866 (71 Stat. 11)

To amend the Atomic Energy Act of 1954, as amended, and for other purposes

Provides that the President may authorize the Atomic Energy Commission to enter into an agreement for cooperation with the Federal Republic of Germany on behalf of Berlin.

(Page references are to the Congressional Record, 85th Cong., 1st sess.)

Mr. Cole; Joint Committee on Atomic Energy, 3535.

Reported (H. Rept. 228), 4444.

Passed House, 4434.

Referred to Joint Committee on Atomic Energy, 4461.

Committee discharged and passed Senate, 4750.

Examined and signed, 4829, 4951.

Presented to the President, 5002.

Approved (Public Law 85-14), 6125.

Companion bill—S. 1549

Mr. Pastore; Joint Committee on Atomic Energy, 3434.

Reported (S. Rept. 191), 4464.

Indefinitely postponed, 4750.

Public Law 85-79—S. 2243 (71 Stat. 274)

To amend the Atomic Energy Act of 1954, as amended, and for other purposes

Amends section 261 with respect to authorization of appropriations.

(Page references are to the Congressional Record, 85th Cong., 1st sess.)

Mr. Anderson; Joint Committee on Atomic Energy, 8573.

Reported with amendments (S. Rept. 437), 9071.

Amended and passed Senate, 9635.

Rules suspended, passed House, 10150.

Examined and signed, 10308, 10402.

Presented to the President, 10370.

Approved (Public Law 85-79), 10931.

Companion bill—H.R. 7992

Mr. Durham of North Carolina; Joint Committee on Atomic Energy, 8564.

Reported with amendments (H. Rept. 571), 9225.

Laid on the table, 10150.

Public Law 85-162—H.R. 8996 (71 Stat. 403)

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes

Amends section 161 of Atomic Energy Act of 1954.

(Page references are to the Congressional Record, 85th Cong., 1st sess.)

Mr. Durham; Joint Committee on Atomic Energy, 13221.

Reported (H. Rept. 978), 13533.

Made special order, 14102.

Debated.

Amended and passed House, 14261.

Ordered placed on Senate Calendar, 14315.

Objected to, 14389.

Amended and passed Senate, 15057.

Senate insists on its amendment and asks for conference, 15057.

Conferees appointed, 15057.

House disagrees to Senate amendment and agrees to a conference, 15182.

Conferees appointed, 15182.

Conference report submitted in Senate and agreed to, 15310, 15314.
 Conference report submitted in House and agreed to, 15387.
 Examined and signed, 15367, 15503.
 Presented to the President, 15544.
 Approved (Public Law 85-162), 16511.

Companion bill—S. 2674

Mr. Anderson ; Joint Committee on Atomic Energy, 13091.
 Reported (S. Rept. 791), 13424.
 Objected to, 13587, 14377.
 Debated, 14913, 15002, 15032.
 Indefinitely postponed, 15057.

Public Law 85-177—H.R. 8992 (71 Stat. 453)

To provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes

Amends section 54 of the Atomic Energy Act of 1954.

(Page references are to the Congressional Record, 85th Cong., 1st sess.)

Mr. Price, of Illinois ; Joint Committee on Atomic Energy, 13220.
 Reported (H. Rept. 960) ; 13220.
 Made special order (H. Res. 390), 14102.
 Debated, amended, and passed House, 14106.
 Ordered placed on Senate Calendar, 14171.
 Amended and passed Senate, 14228.
 House disagrees to Senate amendment and asks for conference, 14617.
 Conferees appointed, 13272.
 Senate insists upon its amendments and agrees to conference, 14710.
 Conferees appointed, 14710.
 Conference report submitted in Senate and agreed to, 15178.
 Conference report submitted in House and agreed to, 15369.
 Examined and signed, 15367, 15503.
 Presented to the President, 15544.
 Approved (Public Law 85-177), 16512.

Companion bill—S. 2673

Mr. Pastore ; Joint Committee on Atomic Energy, 13091.
 Introduced and reported (S. Rept. 778), 13091.
 Ordered placed on the Calendar, 13091.
 Objected to, 13584.
 Indefinitely postponed, 14229.

Public Law 85-256—H.R. 7383 (71 Stat. 576)

To amend the Atomic Energy Act of 1954, as amended, and for other purposes

Provides for a program of Government indemnification and limitation of liability, and establishes an Advisory Committee on Reactor Safeguards.

(Page references are to the Congressional Record, 85th Cong., 1st sess.)

Mr. Price, of Illinois ; Joint Committee on Atomic Energy, 6722.
 Reported (H. Rept. 435), 6721.
 Made special order, 10704.
 Passed House (debate started), 10710.
 Ordered placed on Senate Calendar, 10757.
 Objected to, 10979, 13553, 14376.
 Amended and passed Senate, 15057.

House concurs, 15182.
 Examined and signed, 15271, 15406.
 Presented to the President, 15678.
 Approved (Public Law 85-256), 16783.

Companion bill—S. 2051

Mr. Anderson; Joint Committee on Atomic Energy, 6655.
 Reported (S. Rept. 296), 6655.
 Ordered placed on Senate Calendar, 6655.
 Objected to, 7379, 10975, 13553.
 Indefinitely postponed, 15057.

Public Law 85-287—H.R. 8994 (71 Stat. 612)

To amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes

Increases the salaries of certain executives of the Atomic Energy Commission and authorizes the Commission to establish certain additional executive positions and advisory committees.

(Page references are to the Congressional Record, 85th Cong., 1st sess.)

Mr. Durham, of North Carolina; Joint Committee on Atomic Energy, 13220.
 Reported (H. Rept. 977), 13533.
 Passed House, 15969.
 Ordered placed on Calendar, 16000.
 Passed Senate, 16496.
 Examined and signed, 16659, 16779.
 Presented to the President, 16782.
 Approved (Public Law 85-287), 16784.

Companion bill—S. 2672

Mr. Anderson; Joint Committee on Atomic Energy, 13091.
 Reported (S. Rept. 790), 13424.
 Objected to, 13587, 14377, 15290.
 Debated, 15624.

Public Law 85-479—H.R. 12716

Amends sections 91, 92, 123, and 144 of the Atomic Energy Act of 1954, as amended, to provide for greater exchange of military information and material with allies.

(Page references are to the Congressional Record, 85th Cong., 2d sess.)

H.R. 10348 introduced by Mr. Durham (by request). January 29, 1958. Referred to Joint Committee on Atomic Energy, 1305.
 H.R. 11426 introduced by Mr. Durham (by request). March 13, 1958. Referred to Joint Committee on Atomic Energy, 4369.
 H.R. 12716 introduced by Mr. Durham as "clean bill." May 28, 1958. Referred to Joint Committee on Atomic Energy, 9768.
 Reported (H. Rept. 1849) on June 5, 1958, 10344.
 Made special order (H. Res. 596, H. Rept. 1893). June 17, 1958, 11777.
 Passed House. June 19, 1958, 11788.
 Amended and passed Senate. June 23, 1958, 11940.
 Senate insists on amendments, requests conference, and conferees appointed June 23, 1958, 11941.
 House disagrees to Senate amendments, agrees to conference and appointed conferees. June 24, 1958, 12108.
 Conference Report 2051 filed in House and agreed to. June 27, 1958, 12559.
 Conference report agreed to in Senate. June 30, 1958, 12586.
 Examined and signed, 12746, 12870.

Presented to the President, 12993.

Approved as Public Law 85-479. July 2, 1958, 13014.

Companion bill—S. 3912

S. 3165 introduced by Senator Pastore (by request). January 27, 1958. Referred to Joint Committee on Atomic Energy, 1149.

S. 3474 introduced by Senator Pastore (by request). March 13, 1958. Referred to Joint Committee on Atomic Energy, 4308.

S. 3912 introduced as "clean bill" by Senator Pastore (for himself and Senator Hickenlooper). May 27, 1958. Referred to Joint Committee on Atomic Energy, 9537.

Reported (S. Rept. 1654). June 5, 1958, 10233.

Amendments intended to be offered by Senator Anderson, June 19, 1958, 11674.

Passed over, 11906.

Debated, 11926.

Indefinitely postponed. (H.R. 12716 passed in lieu). June 23, 1958, 11941.

Public Law 85-602—S. 4165

Amends subsection 11 o. and adds a new subsection 170 l. pertaining to indemnity agreement for the NS *Savannah*.

(Page references are to the Congressional Record, 85th Cong., 2d sess.)

S. 3106 introduced by Senator Magnuson (for himself and Senator Bricker). July 23, 1958. Referred to the Senate Committee on Interstate and Foreign Commerce, 774.

Reported (S. Rept. 1341) without amendment and with the recommendation that bill be re-referred to the Joint Committee on Atomic Energy. March 3, 1958, 3185.

S. 3106 re-referred to the Joint Committee on Atomic Energy. March 3, 1958, 3185.

S. 4165 introduced by Senator Anderson. July 21, 1958. Referred to the Joint Committee on Atomic Energy, 14336.

Reported (S. Rept. 1883). July 22, 1958, 14537.

Passed Senate. July 28, 1958, 15233.

Rules suspended, passed House. July 29, 1958, 15458.

Examined and signed, 15609, 15661.

Presented to the President, 15728.

Approved as Public Law 85-602. August 8, 1958.

Companion bill—H.R. 13456

H.R. 13309 introduced by Mr. Price. July 7, 1958. Referred to the Joint Committee on Atomic Energy, 13105.

H.R. 13456 introduced by Mr. Price. July 18, 1958. Referred to the Joint Committee on Atomic Energy, 14322.

Reported (H. Rept. 2253). July 22, 1958, 14668.

Indefinitely postponed (S. 4165 passed in lieu). July 28-29, 1958, 15458.

Public Law 85-681—H.R. 13482

Amends sections 53, 68, 123, 145, 161, and 166 of the Atomic Energy Act of 1954, as amended (AEC "Omnibus Bill" of 1958).

(Page references are to the Congressional Record, 85th Cong., 2d sess.)

H.R. 12603 introduced by Mr. Holifield (amends sec. 68; incorporated as sec. 3 of Public Law 85-681). May 21, 1958. Referred to Joint Committee on Atomic Energy, 9246.

H.R. 13120 introduced by Mr. Durham (by request). June 25, 1958. Referred to Joint Committee on Atomic Energy, 12264.

H.R. 13482 introduced by Mr. Durham as a "clean bill." July 21, 1958. Referred to Joint Committee on Atomic Energy, 14524.

Reported (H. Rept. 2272). July 24, 1958, 15026.
 Rules suspended, passed House. July 29, 1958, 15486.
 Ordered placed on Senate Calendar. July 30, 1958, 15564.
 Passed Senate. August 5, 1958, 16188.
 Examined and signed, 16479, 16487.
 Presented to the President, 16766.
 Approved as Public Law 85-681. August 19, 1958, 16933.

Companion bill—S. 4166

S. 3881 introduced by Senator Anderson. May 22, 1958. Referred to Joint Committee on Atomic Energy, 9265.
 S. 4048 introduced by Senator Anderson (by request). June 24, 1958. Referred to Joint Committee on Atomic Energy, 12061.
 S. 4166 introduced by Senator Anderson as "clean bill." July 21, 1958. Referred to Joint Committee on Atomic Energy, 14366.
 Reported (S. Rept. 1944). July 24, 1958, 14855.
 Indefinitely postponed (H.R. 13482 passed in lieu). August 5, 1958, 16189.

Public Law 85-744—H.R. 13455

Amends section 170 of the Atomic Energy Act of 1954, as amended, by adding new subsection k with respect to indemnity agreements for nonprofit educational activities.

(Page references are to the Congressional Record, 85th Cong., 2d sess.)

H.R. 13190 introduced by Mr. Price. June 27, 1958. Referred to Joint Committee on Atomic Energy, 12567.
 H.R. 13455 introduced by Mr. Price as "clean bill." July 18, 1958. Referred to Joint Committee on Atomic Energy, 14322.
 Reported (H. Rept. 2250). July 22, 1958, 14668.
 Rules suspended, passed House. July 29, 1958, 15457.
 Amended and passed Senate. August 5, 1958, 16187.
 Senate insists on amendments, requests conference and conferees appointed, 16188.
 House disagrees to Senate amendments, agrees to conference, and conferees appointed. August 6, 1958, 16398.
 Conference Report 2585 filed in House. August 13, 1958, 17479.
 Conference Report 2585 agreed to in House. August 14, 1958, 17640.
 Conference Report 2585 agreed to in Senate. August 14, 1958, 17569.
 Examined and signed, 17750.
 Presented to the President, 18378.
 Approved as Public Law 85-744. August 23, 1958, 17569.

Companion bill—S. 4164

S. 4069 introduced by Senator Anderson. Referred to Joint Committee on Atomic Energy. June 27, 1958, 11263.
 S. 4164 introduced by Senator Anderson. Referred to Joint Committee on Atomic Energy. July 21, 1958, 13063.
 Reported (S. Rept. 1882). July 22, 1958, 13261.
 Indefinitely postponed (H.R. 13455 passed in lieu). August 5, 1958, 14834.

Public Law 86-43—S. 1197

Amends section 251 of the Atomic Energy Act of 1954, as amended, to provide for the submission by the Atomic Energy Commission of an annual rather than a semiannual report to Congress. Report to be submitted in January of each year.

(Page references are to the Congressional Record, 86th Cong., 1st sess.)

S. 1197 introduced by Senator Anderson and referred to the Joint Committee on Atomic Energy. February 26, 1959, 2978.

Reported (S. Rept. 230). April 27, 1959, 6752.
 Passed Senate. April 29, 1959, 6982.
 Passed House. June 2, 1959, 9587.
 Examined and signed. June 3, 1959, 9671, 9755.
 Presented to the President. June 3, 1959, 9695.
 Approved (Public Law 86-43). June 11, 1959, 10617.

Companion bill—H.R. 5104

Introduced by Mr. Durham and referred to the Joint Committee on Atomic Energy. March 2, 1959, 3177.
 Reported (H. Rept. 327). April 29, 1959, 7106.
 Identical bill (S. 1197) passed in lieu of. June 2, 1959, 9587.

Public Law 86-300—S. 2569 (AEC Omnibus Bill of 1959)

Amends section 161 m. of the Atomic Energy Act of 1954, as amended, to authorize the AEC to enter into agreements for the performance by the Commission of certain services, including the reprocessing of irradiated fuel elements for material licensees (reactor manufacturers and fuel suppliers) as well as with facility licensees (reactor operators and utilities) as previously authorized.

Amends section 163 of the Atomic Energy Act of 1954, as amended, to provide, in substance, that members of the General Advisory Committee and other AEC advisory committees will not be subject to certain conflict-of-interest statutes solely because of compensation received from nonprofit educational institutions.

(Page references are to the Congressional Record, 86th Cong., 1st sess.)

S. 2569 introduced by Senator Anderson and referred to the Joint Committee on Atomic Energy. August 19, 1959, 16306.
 Hearings: Full committee, August 26, 1959. Published under title of "Bills to Amend Sections 91, 161 and 163 of the Atomic Energy Act and Authorization of the Stanford Accelerator Project."
 Reported with amendments (S. Rept. 871). September 1, 1959, 17469.
 Passed Senate. September 9, 1959, 18732.
 Passed House. September 11, 1959, 19168.
 Examined and signed. September 12, 1959, 19443
 Examined and signed by the Speaker, September 14, 1959, 19748.
 Presented to the President. September 14, 1959, 19668.
 Approved (Public Law 86-300). September 21, 1959, 19689.

Companion bill—H.R. 8754

H.R. 8754 introduced by Mr. Durham and referred to the Joint Committee on Atomic Energy. August 20, 1959, 16621.
 Reported with amendments (H. Rept. 1124). September 2, 1959, 17799.
 S. 2569 passed in lieu of H.R. 8754. September 11, 1959, 19168. (H.R. 8754 not considered.)

Public Law 86-373—S. 2568

To amend the Atomic Energy Act of 1954, as amended, by adding a new section 274 with respect to cooperation with States

(Page references are to the Congressional Record, 86th Cong., 1st sess.)

S. 1987 introduced by Senator Anderson (by request) and referred to JCAE. May 19, 1959, 8379.
 Hearings: Full committee, May 19, 20, 21, and 22, 1959. Published under title of "Federal-State Relationships in the Atomic Energy Field."
 Also: Joint Committee Print, "Selected Materials on Federal-State Relationships in the Atomic Energy Field."

S. 2568 introduced by Senator Anderson and referred to JCAE. "Clean bill" superseding S. 1987. August 18, 1959, 16306.
Reported in Senate (with amendments) (S. Rept. 870). September 1, 1959, 17469.

Passed over in Senate on call of calendar as not properly calendar business. September 9, 1959, 18732.

Considered in Senate. September 10, 1959, 18965, 18966.

Passed Senate by voice vote. September 11, 1959, 19042.

Passed House. September 11, 1959, 19169.

Examined and signed by President of Senate. September 12, 1959, 19443.

Examined and signed by Speaker; presented to President. September 14, 1959, 19748, 19668.

Approved by the President (Public Law 86-373.) September 23, 1959, 19690.

Companion bill—H.R. 8755

H.R. 7214 introduced by Mr. Durham (by request) and referred to JCAE. May 18, 1959, 8365.

H.R. 8755 introduced by Mr. Durham as "clean bill" and referred to JCAE. August 20, 1959, 16621.

Reported (with amendments) in the House (H. Rept. 1125). Committed to the Committee of the Whole House on the State of the Union. September 2, 1959, 17799.

Identical bill (S. 2568) passed in lieu of H.R. 8755. September 11, 1959.

Public Law 87-206—H.R. 8599

To amend various sections of the Atomic Energy Act of 1954, as amended, and the Euratom Cooperation Act of 1958, and for other purposes

(Page references are to Congressional Record, 87th Cong., 1st sess.)

H.R. 7798 introduced by Mr. Holifield on June 21, 1961, 10166.

Hearings: Subcommittee on Legislation, June 27 and 29, 1961.

Hearings published under the title "AEC Omnibus Bill, 1961, and an Amendment to Section 170 of the Atomic Energy Act."

H.R. 8599 introduced on August 9, 1961, by Mr. Holifield as a clean bill superseding H.R. 7798, 14260.

Reported with amendment August 16, 1961 (H. Rept. No. 963), 15016.

Rule suspended and H.R. 8599 passed House. August 22, 1961, 15512-16.

Passed Senate in lieu of S. 2391. August 24, 1961, 15853-57.

Examined and signed by Speaker of the House. August 28, 1961, 16187.

Examined and signed by Acting President pro tempore of the Senate August 28, 1961.

Presented to the President August 29, 1961, 16332.

Approved by the President September 6, 1961 (Public Law 87-206).

Companion bill—S. 2391

S. 2117 introduced by Senator Pastore and referred to Joint Committee on Atomic Energy June 21, 1961.

Hearings: Listed above.

S. 2391 introduced by Senator Pastore on August 9, 1961 as clean bill superseding S. 2117.

Reported in Senate on August 16, 1961. S. Rept. 722.

S. 2391 postponed indefinitely and H.R. 8599 passed on lieu thereof on August 24, 1961, 15853-57.

Public Law 87-456—H.R. 10607

To amend the Tariff Act of 1930 and certain related laws to provide for the restatement of the tariff classification provisions, and for other purposes

H.R. 10607 introduced by Mr. Mills (per Executive order) March 8, 1962.

Reported from Ways and Means Committee March 10, 1962 (H. Rept. No. 1415).

Passed the House March 14, 1962.
 Referred in the Senate to Committee on Commerce.
 Reported from Commerce Committee April 2, 1962.
 Passed the Senate with amendments April 10, 1962.
 House agrees to Senate amendments May 9, 1962.
 Approved by the President May 24, 1962, as Public Law 87-456.

Public Law 87-615—S. 3491

To amend the Atomic Energy Act of 1954, as amended, and for other purposes.
 (AEC Omnibus bill of 1962)

(Page references are to the Congressional Record, 87th Cong., 2d sess.)

S. 3491 introduced by Senator Pastore on June 29, 1962, 11377.
 Hearings: Subcommittee on Research, Development and Radiation, April 10 and 11, 1962, published under title of "Indemnity and Reactor Safety." Subcommittee on Legislation, April 17, 1962, published under title of "AEC Regulatory Problems."
 S. 3491 reported in Senate July 5, 1962 (S. Rept. No. 1677), 11851.
 S. 3491 considered by Senate on August 7, 1962, 14727-28. Passed as amended by voice vote.
 S. 3491 considered by House on August 15, 1962. Passed House in lieu of H.R. 12336, 15513-17.
 Examined and signed by Speaker, August 16, 1962, 15670.
 Examined and signed by President of Senate, August 16, 1962, 15683.
 Presented to the President, August 17, 1962, 15894.
 Approved by the President on August 29, 1962. Public Law 87-615.

Companion bill—H.R. 12336

H.R. 12336 introduced June 27, 1962, by Mr. Holifield, 11137.
 Hearings: As listed above.
 H.R. 12336 reported in House July 5, 1962 (H. Rept. No. 1966), 11851.

Public Law 88-72—S. 1745

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes

(Page references are to the daily editions of the Congressional Record, 88th Cong., 1st sess.)

S. 1159, introduced March 21, 1963, by Senator Pastore (by request), 4389.
 Hearings: Subcommittee on Legislation, April 9, 10, and May 2, 1963. Published under title "AEC Authorizing Legislation Fiscal Year 1964."
 S. 1745, introduced June 19 by Senator Pastore as a "clean bill," superseding S. 1159, 10460.
 H.R. 7139 (companion bill), reported in House, June 21, 1963 (H. Rept. 446), 10809.
 S. 1745, reported in Senate, June 21, 1963 (S. Rept. 303), 10673.
 S. 1745, considered and passed in Senate by voice vote, 10929-32.
 S. 1745, considered and passed in House by voice vote, 11500-511.
 Examined and signed by President pro tempore of Senate, July 11, 11739.
 Examined and signed by Speaker of House, July 11, 11811.
 Presented to the President, July 11, 11741.
 S. 1745, approved by the President, July 22, as Public Law 88-72.

Companion bill—H.R. 7139

H.R. 5036, introduced March 21, 1963, by Mr. Holifield (by request), 4384.
 Hearings: As listed above.
 H.R. 7139, introduced June 19 as "clean bill" by Mr. Holifield, 10604.

Public Law 88-294—S. 2448

To amend the Atomic Energy Act of 1954. (Amends sec. 202)

(Page references are to the daily editions of the Congressional Record, 88th Cong., 2d sess.)

S. 2448 introduced by Senator Pastore on January 22, 1964, 767.
 H.R. 9711 (companion bill) introduced by Mr. Holifield on January 22, 1964, 929.
 Senate Report filed (S. Rept. No. 377) February 25, 1964, 3310.
 House Report filed (H. Rept. No. 1151) February 25, 1964, 3495.
 S. 2448 considered and passed in Senate February 26, 1964, 3550-51.
 H.R. 9711 passed over in House March 2, 1964, 3867; again on March 16, 1964, 5113.
 S. 2448 considered (in lieu of H.R. 9711) and passed in House under Suspension of the Rules on March 16, 1964, 5115-17.
 Examined and signed by Speaker of the House, March 17, 1964, 5235.
 Examined and signed by President pro tempore of the Senate, March 17, 1964, 5235.
 Presented to the President March 18, 1964, 5396.
 S. 2448 approved by the President March 26, 1964 as Public Law 88-294.

Companion Bill—H.R. 9711

H.R. 9711 introduced by Mr. Holifield on January 22, 1964, 929.
 H.R. 9711 passed over in House March 2, 1964, 3867; again on March 16, 1964, 5113.
 H.R. 9711 laid on table March 16, 1964, 5113.

Public Law 88-394—S. 2963

To amend the Atomic Energy Act of 1954, as amended, the Atomic Energy Community Act of 1955, as amended, and the EURATOM Cooperation Act of 1958, as amended (AEC omnibus bill of 1964)

(Page references are to the daily editions of the Congressional Record, 88th Cong., 2d sess.)

S. 1795 introduced by Senator Pastore (by request) June 26, 1963, 11005.
 H.R. 7300 (companion bill) introduced by Mr. Holifield (by request) June 26, 1963, 11152.
 Hearings: July 17, 1963, before Subcommittee on Legislation.
 S. 2816 introduced by Senator Pastore (by request) May 7, 1964, 10000.
 H.R. 11180 (companion bill) introduced by Mr. Holifield (by request) May 7, 1964, 9997.
 Hearings: May 19, 1964, before Subcommittee on Legislation.
 S. 2963 introduced by Senator Pastore as "clean bill" to supersede S. 2816, June 29, 1964, 14884.
 H.R. 11832 (companion bill) introduced by Mr. Holifield as "clean bill" to supersede H.R. 11180, June 29, 1964, 14884.
 Senate Report filed (S. Rept. No. 1128) June 29, 1964, 14884.
 House Report filed (H. Rept. No. 1525), June 29, 1964, 14884.
 S. 2963 considered and passed in Senate July 8, 1964, 15554-6.
 S. 2963 considered and passed in House under Suspension of the Rules July 21, 1964, 15933-8.
 Examined and signed by President pro tempore of the Senate July 23, 1964, 16115.
 Examined and signed by the Speaker of the House, July 22, 1964, 16016.
 Presented to the President, July 23, 1964, 16256.
 S. 2963 approved by the President August 1, 1964, as Public Law 88-394.

Companion bill—H.R. 11832

H.R. 7300 introduced by Mr. Holifield (by request) June 26, 1963, 11152.
 H.R. 11180 introduced by Mr. Holifield (by request) May 7, 1964, 9997.

H.R. 11832 introduced by Mr. Holifield as "clean bill" to supersede H.R. 11180,
June 29, 1964, 14884.
Hearings: As listed above.

Public Law 88-426—H.R. 11049

To adjust the rates of basic compensation of certain officers and employees in
the Federal Government, and for other purposes

(Page references are to the daily editions of the Congressional Record,
88th Cong., 2d sess.)

H.R. 11049 introduced by Mr. Morrison and referred to House Post Office and
Civil Service Committee.

Reported in the House May 11, 1964 (H. Rept. No. 1388).

Passed House June 11, 1964.

Referred in Senate to Post Office and Civil Service Committee.

Reported in the Senate June 26, 1964 (S. Rept. No. 1121).

Passed Senate with amendment July 2, 1964.

Senate asks for conference July 2, 1964.

House agrees to conference July 30, 1964 (H. Res. 803).

Conference report filed August 3, 1964 (Rept. No. 1647).

House agrees to conference report August 4, 1964.

Senate agrees to conference report August 4, 1964.

Approved by the President August 14, 1964 (Public Law 88-426).

Public Law 88-489 (S. 3075)

To amend the Atomic Energy Act of 1954, as amended, and for other purposes
(Private Ownership of Special Nuclear Materials Act)

(Page references are to the daily editions of the Congressional Record,
88th Cong., 2d sess.)

S. 1160 introduced by Senator Pastore (by request) March 21, 1963, 4389.

H.R. 5035 (companion bill) introduced by Mr. Holifield (by request) March 21,
1963, 4384.

1963 Hearings held July 30, 31, and August 1, 1963 before Subcommittee on
Legislation.

1964 Hearings held June 9-11, 15, 25, 1964 before Subcommittee on Legislation.

S. 3075 introduced by Senator Pastore as "clean bill" to supersede S. 1160,
August 4, 1964, 17374.

H.R. 12228 (companion bill) introduced by Mr. Holifield as "clean bill" to super-
sede H.R. 5035, August 4, 1964, 17370-1.

Senate Report filed (S. Rept. No. 1325) August 5, 1964, 17374.

House Report filed (H. Rept. No. 1702) August 5, 1964, 17370-1.

S. 3075 considered and passed in Senate August 6, 1964, 17851-53.

S. 3075 considered and passed in House under Suspension of the Rules August
18, 1964, 19514-19.

Examined and signed by Speaker of the House August 19, 1964, 19736.

Examined and signed by President pro tempore of the Senate August 20, 1964,
19905.

Presented to the President, August 21, 1964, 20281.

Approved by the President August 26, 1964, as Public Law 88-489.

Companion bill—H.R. 12228

H.R. 5035 introduced by Mr. Holifield (by request) March 21, 1963.

H.R. 12228 introduced by Mr. Holifield as "clean bill" to supersede H.R. 5035,
August 4, 1964, 17370-1.

Hearings: As listed above.

Public Law 89-135—H.R. 8856

To amend section 271 of the Atomic Energy Act of 1954, as amended

(Page references are to the daily editions of the Congressional Record, 89th Cong., 1st sess.)

H.R. 8843 introduced by Mr. Holifield and referred to JCAE, May 25, 1965, 11197.
 H.R. 8844 introduced by Mr. Hosmer and referred to JCAE, May 25, 1965, 11197.
 Hearings: May 27 and June 2, 1965, before Subcommittee on Legislation.
 H.R. 8856 introduced by Mr. Holifield as a "clean bill" and referred to JCAE, June 8, 1965, 12428.
 H.R. 8857 introduced by Mr. Hosmer as a "clean bill" and referred to JCAE, June 8, 1965, 12428.
 H.R. 8856 reported (H. Rept. 567). June 30, 1965, 14764.
 Motion to suspend House rules defeated. July 12, 1965, 15761.
 Passed House. July 29, 1965, 17992.
 Passed Senate. August 10, 1965, 19087.
 Examined and signed by the Speaker of the House August 11, 1965, 19252.
 Examined and signed by the President pro tempore of the Senate, August 12, 1965, 19399.
 Presented to the President August 12, 1965, 19635.
 Approved as Public Law 89-135. August 24, 1965.

Companion bill—S. 2103

S. 2035 introduced by Senator Pastore (for himself and Senator Hickenlooper) and referred to JCAE, May 25, 1965, 11083.
 Hearings: As listed above.
 S. 2103 introduced by Senator Pastore (for himself and Senator Hickenlooper) and referred to JCAE, June 8, 1965, 12338.
 Reported (S. Rept. 390). July 30, 1965, 14790.
 Indefinitely postponed (identical bill H.R. 8856 passed in lieu of). August 10, 1965, 19087.

Public Law 89-210—S. 2042

To amend section 170 of the Atomic Energy Act of 1954, as amended

(Page references are to the daily editions of the Congressional Record, 89th Cong., 1st sess.)

S. 2042 introduced by Senator Anderson and referred to JCAE, May 26, 1965, 11392.
 Hearings: June 22-24, 1965, before Subcommittee on Legislation.
 Reported (S. Rept. 650). August 26, 1965, 21165.
 Passed Senate with technical amendments. August 31, 1965, 21461.
 Passed House as amended by Senate, September 16, 1965, 23179.
 Examined and signed by Vice President* and Speaker, 23429.
 Presented to the President, 23526.
 Approved as Public Law 89-210. September 29, 1965, D 982.

Companion bill—H.R. 8496

H.R. 8496 introduced by Mr. Price and referred to JCAE, May 26, 1965, 11300.
 Hearings: As listed above.
 Reported (H. Rept. 883). August 26, 1965, 21161.
 Indefinitely postponed (identical bill S. 2042 passed in lieu of). September 16, 1965, 23180.

*S. 2042 was inadvertently omitted in the Congressional Record on the list of bills signed by the Vice President on September 17, 1965, p. 23349. This omission was corrected in the permanent Congressional Record.

Public Law 89-645—S. 3830

To amend the Atomic Energy Act of 1954, as amended

(Page references are to the daily editions of the Congressional Record, 89th Cong., 2d sess.)

S. 3548 introduced by Senator Anderson and referred to JCAE, June 23, 1966, 13423, 13427.
 Hearings: July 19, 20, 21, 1966, before full Joint Committee on Atomic Energy. Published under title of "Proposed Amendments to Price-Anderson Act Relating to Waiver of Defenses."
 S. 3830 introduced by Senator Anderson as a "clean bill" and referred to JCAE, September 14, 1966, 21622.
 Reported (S. Rept. No. 1605) September 16, 1966, 21851.
 Amended and passed Senate, September 22, 1966, 22691-22693.
 Passed House, September 30, 1966, 23662-23665 (in lieu of H.R. 17685).
 Examined and signed by the Speaker of the House October 3, 1966, 23974.
 Examined and signed by the President pro tempore of the Senate, October 4, 1966, 24077.
 Presented to the President October 4, 1966, 24083.
 Approved as Public Law 89-645. October 13, 1966, 26235.

Companion bill—H.R. 17685

H.R. 15913 introduced by Mr. Price and referred to JCAE, June 23, 1966, 13367, 13404.
 Hearings: As listed above.
 H.R. 17685 introduced by Mr. Price as a "clean bill" and referred to JCAE, September 13, 1966, 21564.
 Reported (H. Rept. No. 2043) September 15, 1966, 21619.
 Indefinitely postponed (identical bill S. 3830 passed in lieu of). September 30, 1966, 23665.

Public Law 90-190—S. 2644

To amend the Atomic Energy Community Act of 1955, as amended, the Atomic Energy Act of 1954, as amended, and the EURATOM Cooperation Act of 1958, as amended (AEC omnibus bill of 1967)

(Page references are to the daily editions of the Congressional Record, 90th Cong., 1st sess.)

S. 2644 introduced as "clean bill" by Senator Pastore and referred to JCAE, November 9, 1967, S16147.
 Hearings on predecessor bills: August 11, 15, and 24, 1967, before the Subcommittees on Communities and Legislation.
 Published under title of "AEC Omnibus Legislation—1967."
 Reported (S. Rept. 743) November 13, 1967.
 Considered and passed in Senate, November 15, 1967, S16493.
 Considered and passed in House, November 30, 1967, H16077-83; H16088 (in lieu of H.R. 13934).
 Examined and signed by the Speaker of the House, December 4, 1967, H16287.
 Examined and signed by the Vice President, December 5, 1967, S17854.
 Presented to the President, December 6, 1967, S17984.
 Approved as Public Law 90-190, December 14, 1967, D1134.

Companion bill—H.R. 13934

H.R. 13934 introduced as "clean bill" by Mr. Hollifield and referred to JCAE, November 9, 1967, H15055.
 Hearings: As listed above.
 Reported (H. Rept. 911) November 9, 1967, H15055.
 Indefinitely postponed (identical bill S. 2644 passed in lieu of). November 30, 1967, H16077-83; H16088.

Public Law 91-161—S. 3169

To amend the Atomic Energy Act of 1954, as amended, and for other purposes
(Page references are to the daily editions of the Congressional Record, 91st Cong., 1st sess.)

S. 3169 introduced as "clean" bill by Senator Pastore and referred to JCAE, November 21, 1969, S14825.
Hearings: September 12, 1969, before full Joint Committee on Atomic Energy.
Published under title of "AEC Omnibus Legislation—1969."
Reported (S. Rept. 91-533), November 24, 1969, S14903.
Considered and passed in Senate, December 1, 1969, S15157.
Considered and passed in House (Suspension of Rules), December 15, 1969, H12434 (in lieu of H.R. 14925).
Examined and signed by the Speaker of the House, December 17, 1969, H12686.
Examined and signed by the Vice President, December 17, 1969, S16967.
Presented to the President, December 19, 1969, S17333.
Approved as Public Law 91-161, December 24, 1969.

Companion Bill—H.R. 14925

H.R. 14925 introduced by Mr. Holifield (for himself, Mr. Price, and Mr. Hosmer), and referred to JCAE, November 20, 1969, H11273.
Hearings: As listed above.
Reported (H. Rept. No. 91-691), November 24, 1969, H11355.
Indefinitely postponed (identical bill S3169 passed in lieu of), December 15, 1969, H12434.

Public Law 91-452—S. 30

Relating to the control of organized crime in the United States

(Page references are to the daily editions of the Congressional Record, 91st Cong., 2d sess.)

S. 30 introduced January 15, 1969, and referred to Committee on the Judiciary.
Hearings: March 18, 19, 25, 26; June 3, 4, 1969, before Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary.
Reported (S. Rept. 91-617), January 23, 1970, with amendment.
Considered and passed in Senate, January 23, 1970, S481, October 30, 1970, S17776.
Hearings: May 20, 21, 27; June 10, 11, 17; July 23; August 5, 1970, before Subcommittee No. 5, House Committee on the Judiciary.
Reported (H. Rept. 91-1549), September 30, 1970, with amendment.
Considered and passed in House, October 7, 1970, H9779.
Approved by the President as Public Law 91-452, October 15, 1970.

Public Law 91-560—H.R. 18679

To amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes

(Page references are to the daily editions of the Congressional Record, 91st Cong., 2d sess.)

H.R. 18679 introduced as "clean" bill by Mr. Holifield (for himself, Mr. Price and Mr. Hosmer) and referred to JCAE July 28, 1970, H7330.
Hearings: November 18-20, 1969; April 14-16 and June 16-17, 1970, before Full Joint Committee on Atomic Energy published under titles of "Prelicensing Antitrust Review of Nuclear Power Plants," Part 1, 1969, Part 2, 1970, and "Uranium Enrichment Pricing Criteria," 1970.
Reported (H. Rept. No. 91-1470), September 24, 1970, H9259.
Considered and passed in House, September 30, 1970, H9452; December 3, 1970, Senate amendment concurred in, H11087.

Considered and passed in Senate with amendment, December 2, 1970, S19257.
 Examined and signed by the Speaker of the House, December 7, 1970, H11297.
 Examined and signed by the Vice President, December 8, 1970, S19577.
 Presented to the President, December 8, 1970, H11472 [December 9].
 Approved as Public Law 91-560, December 19, 1970.

Companion Bill—S. 4141

S. 4141 introduced by Senator Pastore and referred to JCAE, July 29, 1970, S12283.
 Hearings: As listed above.
 Reported (S. Rept. No. 91-1247), September 29, 1970, S16679.
 Identical bill H.R. 18679 passed in lieu thereof, with amendment, December 2, 1970, S19257.

Public Law 92-307—H.R. 14655

To amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating business for nuclear power reactors under certain circumstances, and for other purposes.

(Page references are to the daily edition of the Congressional Record, 92d Cong., 2d sess.)

H.R. 13731 introduced by Vice-Chairman Price, for himself, Mr. Holifield, Mr. Hosmer, Mr. Aspinall, and Mr. Hansen (by request), on March 9, 1972, and referred to the JCAE, H1954.

H.R. 13732 introduced by Mr. Hosmer on March 9, 1972, and referred to the JCAE, H1954.

Hearings: March 16 and 17, 1972, before the Full Joint Committee on Atomic Energy. Published in two volumes under title "H.R. 13731 and H.R. 13732, to Amend the Atomic Energy Act of 1954 Regarding the Licensing of Nuclear Facilities."

H.R. 14065 introduced by Mr. Holifield, for himself and others, on March 23, 1972, H2472.

H.R. 14655 introduced as "clean bill" by Mr. Holifield, for himself and all other House Members of the Joint Committee, on April 26, 1972, H3695.

House Report (H. Rept. No. 92-1027) filed on April 27, 1972, H3748.

Considered and passed in House without amendment, May 3, 1972, H4048.

Considered and passed in Senate without amendment, May 17, 1972, S8064.

Examined and signed by Speaker of the House, May 19, 1972, H4745.

Examined and signed by the President Pro Tempore, May 24, 1972, S8314.

Presented to the President, May 30, 1972, H5099.

Approved as Public Law 92-307, June 2, 1972, H5315.

Companion Bill—S. 3543

S. 3543 introduced by Senator Anderson, for himself and Senator Aiken, on April 27, 1972, S6732.

Hearings: As listed above.

Senate Report (S. Rept. No. 92-787) filed on May 9, 1972, S7461.

Identical bill H.R. 14655 passed in lieu of S. 3543, as indicated above.

Public Law 93-377—S. 3669

Index to Legislative History of Public Law 93-377 (S. 3669)

Page references are to the daily editions of the Congressional Record 93d Cong., 2d sess.)

S. 3669 introduced by Vice-Chairman Pastore on June 19, 1974, S10867.

Hearings: Full Joint Committee on Atomic Energy, June 18, 1974. Related hearing by the Subcommittee on Agreements for Cooperation, April 30, 1974.

Reported (S. Rept. No. 93-989), July 9, 1974, S11923.

Considered and passed in Senate, with a Committee amendment, July 11, 1974, S12272-74.

Considered and passed in House, with the Committee amendment, August 1, 1974, H7505-16.
 Examined and signed by the Speaker of the House, August 5, 1974, H7694.
 Examined and signed by the President pro tempore of the Senate, August 5, 1974, S14313.
 Presented to the President, August 6, 1974, S14424.
 Approved as Public Law 93-377, August 17, 1974, S15421.

Companion Bill—H.R. 15416

H.R. 15416 introduced by Chairman Price on June 17, 1974, H5167.
 Hearings: As listed above.
 Reported (H. Rept. No. 93-1155), June 26, 1974, H5833.
 Identical bill, S. 3669, passed in lieu thereof, as indicated above.

Public Law 93-485 (S. 3698)

(Page references are to the daily editions of the Congressional Record, 93d Cong., 2d sess.)

S. 3698 introduced by Vice-Chairman Pastore (for himself and Senators Aiken, Jackson, Bennett, Symington, Dominick, Bible, Baker, Montoya) on June 25, 1974, S11405.
 Reported (S. Rept. 93-964), June 25, 1974, S11404.
 Considered and passed by Senate, with an amendment, July 10, 1974, S12112-123.
 Considered and passed by the House, with differing amendment, July 31, 1974, H7432-50.
 Senate conferees appointed August 7, 1974, S14544.
 House conferees appointed August 8, 1974, H7967.
 Conference Report (H. Rept. No. 93-1299) filed in House, August 19, 1974, H8599.
 Conference Report considered and agreed to by the House, October 10, 1974, H10357-64.
 Conference Report considered and agreed to by the Senate, October 10, 1974, S18927.
 Examined and signed by the Speaker of the House, October 11, 1974, S18963.
 Examined and signed by the President pro tempore of the Senate, October 10, 1974, S19186.
 Presented to the President, October 17, 1974, S19377.
 Approved as Public Law 93-485, October 26, 1974.

Companion bill—H.R. 15582

H.R. 15582 introduced by Chairman Price (for himself and Reps. Holifield, Hosmer and Young), June 25, 1974, H5733.
 Reported (H. Rept. No. 93-1149), June 25, 1974, H5733.
 Subsequent history is that of identical bill, S. 3698, as indicated above.

Public Law 93-514 (S. 3802)

(Page references are to the daily editions of the Congressional Record, 93d Cong., 2d sess.)

S. 3728 introduced by Senator Symington on July 8, 1974, S11834.
 S. 3802 introduced by Senator Symington as clean bill on July 24, 1974, following full Joint Committee consideration of S. 3728 on July 22, 1974. (S13300)
 Reported (S. Rept. No. 93-1228), October 4, 1974, S18274.
 Considered and passed by Senate without amendment, October 9, 1974, S18558.
 Considered and passed by the House, without amendment, November 25, 1974, H11023.
 Examined and signed by the President pro tempore of the Senate, November 25, 1974, S19931.
 Examined and signed by the Speaker of the House, November 26, 1974, H11161.
 Presented to the President, November 26, 1974, S20098.
 Approved as Public Law 93-514, December 6, 1974, S20749.

Companion bill—H.R. 16074

H.R. 15891 introduced by Chairman Price, July 11, 1974, H6461.

H.R. 16074 introduced as clean bill by Chairman Price, July 23, 1974, H6985.
Reported (H. Rept. No. 93-1414), October 2, 1974, H9883.

Identical bill, S. 3802 passed in lieu of H.R. 16074, as indicated above.

Public Law 94-197 (H.R. 8631)

(Page references are to the daily editions of the Congressional Record,
94th Congress, 1st Session)

H.R. 8631 introduced by Mr. Price (for himself and Mr. Anderson of Illinois)
(by request) on July 14, 1975, H6817.

Hearings: Full Joint Committee on Atomic Energy, September 23 and 24, 1975.
Published under the title of "H.R. 8631: To Amend and Extend the Price-Anderson Act".

Markup: Full Joint Committee on Atomic Energy, October 31 and November 6, 1975. Published under the title of "Open Markup on H.R. 8631 and S. 2568: Price-Anderson Act Amendments".

Reported with six technical amendments (H. Rept. No. 94-648) November 10, 1975, H10908.

Considered and passed by the House with one amendment December 8, 1975, H11926-57.

Considered and passed by the Senate after striking all after the enacting clause and inserting in lieu thereof the language of Senate companion measure S. 2568, as amended, December 16, 1975, S22328-75.

Senate amendment considered and agreed to by the House December 17, 1975, H12750-51.

Examined and signed by the Speaker of the House December 18, 1975, H13049.

Examined and signed by the President pro tempore of the Senate December 18, 1975, S22680.

Presented to the President December 19, 1975, H13203.

Approved as Public Law 94-197 December 31, 1975.

Companion bill—S. 2568

S. 2568 introduced by Mr. Pastore (for himself and Mr. Baker) (by request)
October 28, 1975, S18711.

Hearings: As listed above.

Markup: As listed above.

Reported with six technical amendments (S. Rept. No. 94-454) November 13, 1975, S19879.

Considered by the Senate; three amendments accepted and further consideration indefinitely postponed, December 16, 1975, S22328-76.

Public Law 95-91—S. 826

To establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes.

(Page references are to the Congressional Record, 95th Congress, 1st Sess.)

S. 826 introduced by Mr. Ribicoff, et al., on March 1, 1977 and referred to Committee on Governmental Affairs, S3155.

Reported (S. Rept. 95-164), May 14, 1977, with amendment, S7663.

Considered and passed in Senate, amended, May 18, 1977, S7959.

Considered and passed in House, amended, June 3, 1977, H5406 (in lieu of H.R. 6804).

Conference scheduled in Senate, June 9, 1977, S9255.

Conference scheduled in House, June 21, 1977, H6234.

Conference report (H. Rept. 95-539) submitted in House, July 26, 1977, H7831, and agreed to, August 2, 1977, H8252.

Conference report (S. Rept. 95-367) submitted in Senate, July 27, 1977, S13554, and agreed to, August 2, 1977, S13290.
Approved by the President as Public Law 95-91, August 4, 1977, S13554.

Companion bill—H.R. 6804

H.R. 6804 introduced by Mr. Brooke, et al., on May 2, 1977 and referred to Committee on Government Operations, H3904.
Reported (H. Rept. 95-346, Pt. 1), with amendment, May 24, 1977, H5009.
Reported (H. Rept. 95-346, Pt. 2), May 24, 1977.
Indefinitely postponed (identical bill S. 826 passed in lieu of) June 3, 1977, H5416.

Public Law 95-110—S. 1153

To abolish the Joint Committee on Atomic Energy and to reassign certain functions and authorities thereof, and for other purposes.

(Page references are to the Congressional Record, 95th Congress, 1st Sess.)

S. 1153 introduced by Mr. Jackson (for himself; Senators Baker, Randolph, Stafford and McClure) on March 29, 1977, S5028.
Considered and passed in Senate, March 31, 1977, S5222.
Considered and passed in House, amended, August 5, 1977, H8756-59.
Senate agreed to House amendments, August 5, 1977, S13907.
Approved by the President as Public Law 95-110, September 20, 1977.

Public Law 95-209—S. 1131

Amends Title II of the Energy Reorganization Act of 1974 and section 29 of the Atomic Energy Act of 1954.

(Page references are to the Congressional Record, 95th Congress, 1st Sess.)

S. 1131 introduced by Mr. Hart and Mr. Randolph on March 25, 1977, and referred to Committee on Environment and Public Works, S4889.
Reported (S. Rept. 95-196) May 16, 1977, with amendment, S7664.
Considered and passed in Senate, May 25, 1977, S8591.
Considered and passed in House, September 12, 1977, title amended, H9262 (in lieu of H.R. 3455).
Conference scheduled in Senate, October 28, 1977, S18062.
Conference scheduled in House, October 31, 1977, H11805.
Conference report (H. Rept. 95-788) submitted in the House, November 1, 1977, H12004, and agreed to, November 3, 1977, H12176.
Conference report submitted in the Senate and agreed to, November 29, 1977, S19235.
Approved by the President as Public Law 95-209, December 13, 1977.

Companion bill—H.R. 3455

H.R. 3455 introduced by Mr. Udall on February 9, 1977 and referred to the Committee on Interior and Insular Affairs, H1078.
Reported (H. Rept. 95-289) May 11, 1977, with amendment, H4337.
Indefinitely postponed (identical bill S. 1131 passed in lieu of), September 12, 1977, H9262.

Public Law 95-238—S. 1340

To amend Title I of the Energy Reorganization Act of 1974 and for other purposes.

(Page references are to the Congressional Record, 95th Congress, 1st and 2d Sess.)
S. 1340 introduced by Mr. Jackson on April 21, 1977 and referred to Committee on Energy and Natural Resources.
Reported (S. Rept. 95-179), May 16, 1977, S7663.
Considered and passed in Senate, June 13, 1977, S9559.

Considered and passed in House, amended, December 7, 1977, H12778.
Senate agreed to House amendment, February 8, 1978, S1487.
Approved by the President as Public Law 95-238, February 25, 1978.

Public Law 95-242—H.R. 8638

To provide for more efficient and effective control over the proliferation of nuclear explosive capability, and to amend various sections in the Atomic Energy Act of 1954.

(Page references are to the Congressional Record, 95th Congress, 1st and 2d Sess.)

H.R. 8638 introduced by Mr. Bingham (for himself; Representatives Zablocki, Findley, Whalen, Studds, Fowler, Cavanaugh, Beilenson, and Winn) referred to Committee on International Relations, July 29, 1977, H8165.

Markup: Full Committee on International Relations, August 1 and 2, 1977, D1175, D1187.

Reported (H. Rept. 95-587) August 5, 1977, H8775.

Considered and passed in House, amended, September 28, 1977, H10274.

Considered and passed in Senate, amended, February 7, 1978, S1341 (in lieu of S. 897).

House agreed to Senate amendments, February 9, 1978, H908-19.

Approved by the President as Public Law 95-242, March 10, 1978.

Companion bill—S. 897

S. 897 introduced by Mr. Percy (for himself; Senators Glenn, Ribicoff, Javits, and Cranston) referred to Committee on Foreign Relations and Governmental Affairs, S. 3381-89, March 3, 1977.

Reported (S. Rept. 95-467) with amendments, October 3, 1977, S16171.

Indefinitely postponed (identical bill H.R. 8638 passed in lieu of), February 7, 1978, S1341.

Public Law 95-604—H.R. 13650

To amend the Atomic Energy Act of 1954, as amended, to provide for regulation of uranium mill tailings, and for other purposes. (Uranium Mill Tailings Licensing Act of 1978). (Also referred to Committee on Interstate and Foreign Commerce).

June 29, 1978—Introduced.

July 10, 1978—Subcommittee hearing.

July 13, 1978—EPA. Favorable, if amended.

July 17, 1978—Subcommittee hearing.

July 20, 1978—Subcommittee markup.

July 27, 1978—Subcommittee markup. Reported to Full Committee, amended. Clean bill to be introduced.

(See H.R. 13650. Tabled.)

H.R. 13650 (S. 3078).

To authorize the Secretary of Energy to enter into cooperative agreements with certain States respecting residual radioactive material at existing sites, to provide for the regulation of uranium mill tailings under the Atomic Energy Act of 1954, and for other purposes. (Uranium Mill Tailings Control Act of 1978). (Also referred to Committee on Interstate and Foreign Commerce).

July 28, 1978—Introduced.

(See H.R. 13382 for earlier action).

Aug. 2, 1978—Full Committee markup.

Aug. 3, 1978—Energy. Unfavorable.

Aug. 4, 1978—Full Committee markup.

Aug. 9, 1978—Full Committee ordered reported, amended.

Aug. 11, 1978—Reported to House. H.Rept. 95-1480 (Part I).

Sept. 30, 1978—Reported from Interstate and Foreign Commerce Committee. H.Rept. 95-1490 (Part II).

Oct. 3, 1978—Passed House. (Suspension).

Oct. 13, 1978—Passed Senate, amended.

Oct. 14, 1978—House agreed to the Senate amendment, with an amendment.

Oct. 14, 1978—Senate agreed to the House amendment to the Senate amendment.

Nov. 8, 1978—Approved. P.L. 95-604.

APPENDIX 4

THE ATOMIC ENERGY ACT OF 1946¹

WITH AMENDMENTS THROUGH THE EIGHTY-THIRD CONGRESS
(1ST SESS.)

AN ACT For the development and control of atomic energy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. (a) FINDINGS AND DECLARATION.—Research and experimentation in the field of nuclear chain reaction have attained the stage at which the release of atomic energy on a large scale is practical. The significance of the atomic bomb for military purposes is evident. The effect of the use of atomic energy for civilian purposes upon the social, economic, and political structures of today cannot now be determined. It is a field in which unknown factors are involved. Therefore, any legislation will necessarily be subject to revision from time to time. It is reasonable to anticipate, however, that tapping this new source of energy will cause profound changes in our present way of life. Accordingly, it is hereby declared to be the policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace.

(b) PURPOSE OF ACT.—It is the purpose of this Act to effectuate the policies set out in section 1 (a) by providing, among others, for the following major programs relating to atomic energy:

(1) A program of assisting and fostering private research and development to encourage maximum scientific progress;

(2) A program for the control of scientific and technical information which will permit the dissemination of such information to encourage scientific progress, and for the sharing on a reciprocal basis of information concerning the practical industrial application of atomic energy as soon as effective and enforceable safeguards against its use for destructive purposes can be devised;

(3) A program of federally conducted research and development to assure the Government of adequate scientific and technical accomplishment;

(4) A program for Government control of the production, ownership, and use of fissionable material to assure the common defense and security and to insure the broadest possible exploitation of the fields; and

(5) A program of administration which will be consistent with the foregoing policies and with international arrangements made by the United States, and which will enable the Congress to be currently informed so as to take further legislative action as may hereafter be appropriate.

¹ The Atomic Energy Act of 1946 (Public Law 585, 79th Cong., 60 Stat. 755-75, 42 U.S.C. 1801-19). (For legislative history index to Public Law 585, 79th Cong., see index to S. 1717 in appendix 5.)

ORGANIZATION

SEC. 2. (a) ATOMIC ENERGY COMMISSION.—

(1) There is hereby established an Atomic Energy Commission (herein called the Commission), which shall be composed of five members. Three members shall constitute a quorum of the Commission. The President shall designate one member as Chairman of the Commission.

(2) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and the qualifications of the nominee. The term of office of each member of the Commission taking office prior to *June 30, 1950, shall expire at midnight on June 30, 1950.* The term of office of each member of the Commission taking office after *June 30, 1950, shall be five years, except that (A) the terms of office of the members first taking office after June 30, 1950, shall expire, as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after June 30, 1950; and (B) any member appointed to fill a vacancy, occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the Chairman, shall receive compensation at the rate of \$18,000 per annum; and the Chairman shall receive compensation at the rate of \$20,000 per annum. No member of the Commission shall engage in any other business, vocation, or employment than that of serving as a member of the Commission.*²

(3) The principal office of the Commission shall be in the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place. The Commission shall hold such meetings, conduct such hearings, and receive such reports as may be necessary to enable it to carry out the provisions of this Act.

(4) There are hereby established within the Commission—

(A) a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the *Commissions, shall serve at the pleasure of the Commission, shall be removable by the Commission, and*

² The provision of sec. 2 (a) (2) (42 U.S.C. 1802) was amended on July 3, 1948, by Public Law 898, 80th Cong. (62 Stat. 1259) to read as shown above in italics. (*See S. 2589 (Apr. 30, 1948) and S. Rept. 1342 (May 17, 1948) and minority views (May 24, 1948); see also H.R. 6402 (Apr. 30, 1948) and H. Rept. 1973 (May 18, 1949) and minority views (May 24, 1948).*) (For legislative history index to Public Law 898, 80th Cong., see index to H.R. 6402 in appendix 5.)

The provision of sec. 2 (a) (2) (42 U.S.C. 1802) was amended on Sept. 23, 1950, by Public Law 820, 81st Cong. (64 Stat. 979) to read as shown above in italics. (*See S. 3437 (Apr. 17, 1950) and C. Rept. 2493 (Aug. 30, 1950); see also H.R. 8103 (Apr. 19, 1950).*) (For legislative history index to Public Law 820, 81st Cong., see index to S. 3437, in appendix 5.)

In the basic Atomic Energy Act (Public Law 585, 79th Cong., 60 Stat. 755-775: 42 U.S.C. 1801-1819) sec. 2 (a) (2), read as shown below. The language subsequently changed by Public Law 898 and Public Law 820 is shown in italics.

“(2) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and the qualifications of the nominee. The term of office of each member of the Commission taking office prior to *the expiration of two years after the date of enactment of this Act* shall expire *upon the expiration of such two years.* The term of office of each member of the Commission taking office after *the expiration of two years from the date of enactment of this Act* shall be five years, except that (A) the terms of office of the members first taking office after *the expiration of two years from the date of enactment of this Act* shall expire, as designated by the President at the time of appointment, one at the end of *three years*, one at the end of *four years*, one at the end of *five years*, one at the end of *six years*, and one at the end of *seven years*, after *the date of enactment of this Act*; and (B) any member appointed to fill a vacancy occurring prior to expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the Chairman, shall receive compensation at the rate of \$15,000 per annum; and the Chairman shall receive compensation at the rate of \$17,500 per annum. No member of the Commission shall engage in any other business, vocation, or employment than that of serving as a member of the Commission.”

*shall receive compensation at a rate fixed in the Commission's discretion but not to exceed \$20,000 per annum.*³

(B) *a Division of Military Application and such other program divisions (not to exceed ten in number) as the Commission may determine to be necessary to the discharge of its responsibilities.* Each division shall be under the direction of a Director who shall be appointed by the Commission and shall be compensated at a rate determined by the Commission, but not in excess of \$16,000 per annum. The Director of the Division of Military Application shall be a member of the Armed Forces. The Commission shall require each such division to exercise such of the Commission's powers as the Commission may determine.⁴

(b) GENERAL ADVISORY COMMITTEE.—There shall be a General Advisory Committee to advise the Commission on scientific and technical matters relating to materials, production, and research and development, to be composed of nine members, who shall be appointed from civilian life by the President. Each member shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of the enactment of this Act shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after the date of the enactment of this Act. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation of \$50 for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee.

(c) MILITARY LIAISON COMMITTEE.—There shall be a Military Liaison Committee consisting of *a Chairman, who shall be the head thereof, and of a representative or representatives of the Departments of the Army, Navy, and Air Force*, detailed or assigned thereto, without additional compensation, in such number as the Secretary of Defense may determine. *Representatives from each of the three Departments shall be designated by the respective Secretaries of the Army, Navy, and Air Force. The Committee Chairman shall be appointed by the President, by and with the advice and consent of the Senate, and shall*

³ The language of sec. 2(a)(4)(A) (42 U.S.C. 1802) which was amended on September 23, 1950, by Public Law 520, 81st Cong. (64 Stat. 979) is shown above in italics. (See S. 3437 (Apr. 17, 1950) and S. Rept. 2493 (Aug. 30, 1950); see also H.R. 8103 (Apr. 19, 1950).) (For legislative history index to Public Law 820, 81st Cong., see index to S. 3437 in appendix 5.)

In the basic Atomic Energy Act (Public Law 585, 79th Cong., 60 Stat. 755-775, 42 U.S.C. 1801-1819) sec. 2(a)(4)(A) read as shown below. The language subsequently changed or omitted by Public Law 520 is shown in italics.

"(4) There are hereby established within the Commission—

"(A) a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$15,000 per annum. The Commission may make recommendations to the President with respect to the appointment or removal of the General Manager."

⁴ The language of sec. 2(a)(4)(B) (42 U.S.C. 1802) which was amended on July 31, 1953, by Public Law 164, 83d Cong. (67 Stat. 240), is shown above in italics. (See S. 2399 (July 15, 1953) and S. Rept. 603 (July 18, 1953); see also H.R. 6305 (July 15, 1953).) (For legislative history index to Public Law 164, 83d Cong., see index to S. 2399 in appendix 5.)

In the basic Atomic Energy Act (Public Law 585, 79th Cong., 60 Stat. 755-775, 32 U.S.C. 1801-1819) sec. 2(a)(4)(B) read as shown below. The language subsequently changed or omitted by Public Law 164 is shown in italics.

"(B) *a Division of Research, a Division of Production, a Division of Engineering, and a Division of Military Application.* Each division shall be under the direction of a Director who shall be appointed by the Commission, and shall receive compensation at the rate of \$14,000 per annum. The Director of the Division of Military Application shall be a member of the armed forces. The Commission shall require each such division to exercise such of the Commission's powers under this Act as the Commission may determine, except that the authority granted under section 3 (a) of this Act shall not be exercised by the Division of Research."

The pay of the directors had been authorized to be increased to \$14,800 per annum by Public Law 375, 82d Cong. (65 Stat. 101).

receive compensation at a rate prescribed by law for the Chairman of the Munitions Board.⁵ The Commission shall advise and consult with the Committee on all atomic-energy matters which the Committee deems to relate to military applications, including the development, manufacture, use and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission shall keep the Committee fully informed of all such matters before it and the Committee shall keep the Commission fully informed of all atomic energy activities of the Department of Defense. The Committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Department of Defense, derived from the Constitution, laws, and treaties, the Committee may refer such action, proposed action, or failure to act to the Secretary of Defense. If the Secretary concurs, he may refer the matter to the President, whose decision shall be final.⁶

"(d) APPOINTMENT OF ARMY, NAVY, OR AIR FORCE OFFICERS.—Notwithstanding the provisions of section 1222 of the Revised Statutes (U.S.C., 1940 edition, title 10, sec. 576), section 212 of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932, as amended (U.S.C., 1940 edition, title 5, sec. 59a), section 2 of the Act entitled 'An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes', approved July 31, 1894, as amended (U.S.C., 1940 edition, title 5, sec. 62), or any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Director of the Division of Military Application established by subsection (a) (4) (B) of this section, without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in subsection (a) (4) (B) of this section." *Likewise, notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Military Liaison Committee established by subsection (c) of this section, without prejudice to his commissioned status as such officer. Any such officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay from the*

⁵ Pursuant to Reorganization Plan No. 6, H. Doc. 136, 83d Cong., 18 Fed. Reg. 3743, an Assistant Secretary of Defense is now assigned the responsibility for the work formerly performed by the Munitions Board.

⁶ The language of sec. 2 (c) (42 U.S.C. 1802) which was amended on October 11, 1949 by Public Law 347, 81st Cong. (63 Stat. 762) is shown in italics. (See S. 2372 (Aug. 3, 1949) and S. Rept. 934 (Aug. 18, 1949); see also H.R. 5884 (Aug. 4, 1949) and H. Rept. 1282 (Aug. 18, 1949).) (For legislative history index to Public Law 347, 81st Cong., see index to S. 2372 in appendix 5.)

In the basic Atomic Energy Act (Public Law 585, 79th Cong., 60 Stat. 755-775, 42 U.S.C. 1801-1819) sec. 2 (c) read as shown below. The language subsequently changed or omitted by Public Law 347 is shown in italics.

"(c) MILITARY LIAISON COMMITTEE.—There shall be a Military Liaison Committee consisting of representatives of the Departments of War and Navy, detailed or assigned thereto without additional compensation, *by the Secretaries of War and Navy* in such number as they may determine. The Commission shall advise and consult with the Committee on all atomic energy matters which the Committees [sic] deems to relate to military applications including the development, manufacture, use, and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission shall keep the Committee fully informed of all such matters before it and the Committee shall keep the Commission fully informed of all atomic energy activities of the War and Navy Departments. The Committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Departments of War and Navy, derived from the Constitution, laws, and treaties, the Committee may refer such action, proposed action, or failure to act to the Secretaries of War and Navy. If either Secretary concurs, he may refer the matter to the President, whose decision shall be final."

*United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in subsection (c) of this section.*⁷

RESEARCH

SEC. 3. (a) RESEARCH ASSISTANCE.—The Commission is directed to exercise its powers in such manner as to insure the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities relating to—

- (1) nuclear processes;
- (2) the theory and production of atomic energy, including processes, materials, and devices related to such production;
- (3) utilization of fissionable and radioactive materials for medical, biological, health, or military purposes;
- (4) utilization of fissionable and radioactive materials and processes entailed in the production of such materials for all other purposes, including industrial uses; and
- (5) the protection of health during research and production activities.

The Commission may make such arrangements without regard to the provisions of section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and may make partial and advance payments under such arrangements, and may make available for use in connection therewith such of its equipment and facilities as it may deem desirable. Such arrangements shall contain such provisions to protect health, to minimize danger from explosion and other hazards to life or property, and to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine; but shall not contain any provisions or conditions which prevent the dissemination of scientific or technical information, except to the extent such dissemination is prohibited by law.

(b) RESEARCH BY THE COMMISSION.—The Commission is authorized and directed to conduct, through its own facilities, activities and studies of the types specified in subsection (a) above.

PRODUCTION OF FISSIONABLE MATERIAL

SEC. 4. (a) DEFINITION.—As used in this Act, the term "produce", when used in relation to fissionable material, means to manufacture, produce, or refine fissionable material, as distinguished from source materials as defined in section

⁷ The language of sec. 2 (d) (42 U.S.C. 1802), which was amended on October 11, 1949, by Public Law 347, 81st Cong. (63 Stat. 762), is shown in italics. (See S. 2372 (Aug. 3, 1949) and S. Rept. 934 (Aug. 18, 1949); see also H.R. 5884 (Aug. 4, 1949) and H. Rept. 1282 (Aug. 18, 1949).) (For legislative history index to Public Law 347, 81st Cong., see index to S. 2372 in appendix 5.)

In the basic Atomic Energy Act (Public Law 585, 79th Cong., 60 Stat. 755-775, 42 U.S.C. 1801-1819), sec. 2 (d), read as shown below. The language subsequently changed by Public Law 347 is shown in italics.

"(d) APPOINTMENT OF ARMY AND NAVY OFFICERS.—Notwithstanding the provisions of section 1222 of the Revised Statutes (U.S.C. 1940 edition, title 10, sec. 576), section 212 of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932, as amended (U.S.C., 1940 edition, title 5, sec. 59a), section 2 of the Act entitled 'An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes', approved July 31, 1894, as amended (U.S.C., 1940 edition, title 5, sec. 62), or any other law, any active or retired officer of the *Army* or the *Navy* may serve as Director of the Division of Military Application established by subsection (a) (4) (B) of this section, without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in subsection (a) (4) (B) of this section."

5(b) (1), or to separate fissionable material from other substances in which such material may be contained or to produce new fissionable material.

(b) **PROHIBITION.**—It shall be unlawful for any person to own any facilities for the production of fissionable material or for any person to produce fissionable material, except to the extent authorized by subsection (c).

(c) **OWNERSHIP AND OPERATION OF PRODUCTION FACILITIES.**—

(1) **OWNERSHIP OF PRODUCTION FACILITIES.**—The Commission, as agent of and on behalf of the United States, shall be the exclusive owner of all facilities for the production of fissionable material other than facilities which (A) are useful in the conduct of research and development activities in the fields specified in section 3, and (B) do not, in the opinion of the Commission, have a potential production rate adequate to enable the operator of such facilities to produce within a reasonable period of time a sufficient quantity of fissionable material to produce an atomic bomb or any other atomic weapon.

(2) **OPERATION OF THE COMMISSION'S PRODUCTION FACILITIES.**—The Commission is authorized and directed to produce or to provide for the production of fissionable material in its own facilities. To the extent deemed necessary, the Commission is authorized to make, or to continue in effect, contracts with persons obligating them to produce fissionable material in facilities owned by the Commission. The Commission is also authorized to enter into research and development contracts authorizing the contractor to produce fissionable material in facilities owned by the Commission to the extent that the production of such fissionable material may be incident to the conduct of research and development activities under such contracts. Any contract entered into under this section shall contain provisions (A) prohibiting the contractor with the Commission from subcontracting any part of the work he is obligated to perform under the contract, except as authorized by the Commission, and (B) obligating the contractor to make such reports to the Commission as it may deem appropriate with respect to his activities under the contract, to submit to frequent inspection by employees of the Commission of all such activities, and to comply with all safety and security regulations which may be prescribed by the Commission. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made under such contracts. The President shall determine at least once each year the quantities of fissionable material to be produced under this paragraph.

(3) **OPERATION OF OTHER PRODUCTION FACILITIES.**—Fissionable material may be produced in the conduct of research and development activities in facilities which, under paragraph (1) above, are not required to be owned by the Commission.

(d) **IRRADIATION OF MATERIALS.**—For the purpose of increasing the supply of radioactive materials, the Commission and persons lawfully producing or utilizing fissionable material are authorized to expose materials of any kind to the radiation incident to the processes of producing or utilizing fissionable material.

(e) **MANUFACTURE OF PRODUCTION FACILITIES.**—Unless authorized by a license issued by the Commission, no person may manufacture, produce, transfer, or acquire any facilities for the production of fissionable material. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish and shall be issued in accordance with such standards and upon such conditions as will restrict the production and distribution of such facilities to effectuate the policies and purposes of this Act. Nothing in this section shall be deemed to require a license for such manufacture, production, transfer, or acquisition incident to or for the conduct of research or development activities in the United States of the types specified in section 3, or to prohibit the Commission from manufacturing or producing such facilities for its own use.

CONTROL OF MATERIALS

SEC. 5. (a) **FISSIONABLE MATERIALS.**—

(1) **DEFINITION.**—As used in this Act, the term "fissionable material" means plutonium, uranium enriched in the isotope 235, any other material which the

Commission determines to be capable of releasing substantial quantities of energy through nuclear chain reaction of the material, or any material artificially enriched by any of the foregoing; but does not include source materials, as defined in section 5(b) (1).

(2) GOVERNMENT OWNERSHIP OF ALL FISSIONABLE MATERIAL.—All right, title, and interest within or under the jurisdiction of the United States, in or to any fissionable material, now or hereafter produced, shall be the property of the Commission, and shall be deemed to be vested in the Commission by virtue of this Act. Any person owning any interest in any fissionable material at the time of the enactment of this Act, or owning any interest in any material at the time when such material is hereafter determined to be a fissionable material, or who lawfully produces any fissionable material incident to privately financed research or development activities, shall be paid just compensation therefor. The Commission may, by action consistent with the provisions of paragraph (4) below, authorize any such person to retain possession of such fissionable material, but no person shall have any title in or to any fissionable material.

(3) PROHIBITION.—It shall be unlawful for any person to (A) possess or transfer any fissionable material, except as authorized by the Commission; or (B) export from or import into the United States any fissionable material; or (C) directly or indirectly engage in the production of any fissionable material outside of the United States, *except, subject to the limitations and conditions contained in section (10) (a) (3), as authorized by the Commission upon a determination by the President that the common defense and security will not be adversely affected thereby.*⁸

(4) DISTRIBUTION OF FISSIONABLE MATERIAL.—Without prejudice to its continued ownership thereof, the Commission is authorized to distribute fissionable material owned by it, with or without charge, to applicants requesting such material (A) for the conduct of research or development activities either independently or under contract or other arrangement with the Commission, (B) for use in medical therapy, or (C) for use pursuant to a license issued under the authority of section 7. Such material shall be distributed in such quantities and on such terms that no applicant will be enabled to obtain an amount sufficient to construct a bomb or other military weapon. The Commission is directed to distribute sufficient fissionable material to permit the conduct of widespread independent research and development activity, to the maximum extent practicable. In determining the quantities of fissionable material to be distributed, the Commission shall make such provisions for its own needs and for the conservation of fissionable material as it may determine to be necessary in the national interest for the future development of atomic energy. The Commission shall not distribute any material to any applicant, and shall recall any distributed material from any applicant, who is not equipped to observe or who fails to observe such safety standards to protect health and to minimize danger from explosion or other hazard to life or property as may be established by the Commission, or who uses such material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor.

(5) The Commission is authorized to purchase or otherwise acquire any fissionable material or any interest therein outside the United States, or any interest in facilities for the production of fissionable material, or in real property on which such facilities are located, without regard to the provisions of section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made under contracts for such purposes. The Commission is further authorized to take, requisition, or condemn,

⁸ The language of sec. 5 (a) (3) (42 U.S.C. 1805), which was amended on Oct. 30, 1951, by Public Law 235, 82d Cong. (65 Stat. 692), is shown in italics. (See S. 2233 (Oct. 8, 1951) and S. Rept. 894 (Oct. 8, 1951): see also H.R. 5646 (Oct. 8, 1951) and H. Rept. 1104 (Oct. 8, 1951).) (For legislative history index to Public Law 235, 82d Cong., see index to S. 2233 in appendix 5.)

In the basic Atomic Energy Act (Public Law 585, 79th Cong., 60 Stat. 755-775, 42 U.S.C. 1801-1819, sec. 5 (a) (3)) read as shown below. The language subsequently changed or omitted by Public Law 235 is shown in italics.

"(3) PROHIBITION.—It shall be unlawful for any person, *after sixty days from the effective date of this Act* to (A) possess or transfer any fissionable material, except as authorized by the Commission, or (B) export from or import into the United States any fissionable material, or (C) directly or indirectly engage in the production of any fissionable material outside of the United States."

or otherwise acquire any interest in such facilities or real property, and just compensation shall be made therefor.

(b) **SOURCE MATERIALS.**—

(1) **DEFINITION.**—As used in this Act, the term "source material" means uranium, thorium, or any other material which is determined by the Commission, with the approval of the President, to be peculiarly essential to the production of fissionable materials; but includes ores only if they contain one or more of the foregoing materials in such concentration as the Commission may by regulation determine from time to time.

(2) **LICENSE FOR TRANSFERS REQUIRED.**—Unless authorized by a license issued by the Commission, no person may transfer or deliver, receive possession of or title to, or export from the United States any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source materials which, in the opinion of the Commission, are unimportant.

(3) **ISSUANCE OF LICENSES.**—The Commission shall establish such standards for the issuance, refusal, or revocation of licenses as it may deem necessary to assure adequate source materials for production, research, or development activities pursuant to this Act or to prevent the use of such materials in a manner inconsistent with the national welfare. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish.

(4) **REPORTING.**—The Commission is authorized to issue such regulations or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source materials as it may deem necessary, except that such reports shall not be required with respect to (A) any source material prior to removal from its place of deposit in nature, or (B) quantities of source materials which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

(5) **ACQUISITION.**—The Commission is authorized to the extent it deems necessary to effectuate the provisions of this Act—

(A) to purchase, take, requisition, condemn, or otherwise acquire supplies of fissionable source materials or any interest in real property containing deposits of fissionable source materials; and

(B) to purchase, take, requisition, condemn, or otherwise acquire rights to enter upon any real property deemed by it to have possibilities of containing deposits of fissionable source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all fissionable source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property purchased, taken, requisitioned, condemned, or otherwise acquired under this paragraph.*

(6) **OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.**—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of fissionable source materials (or for any or all of these purposes) in lands belonging to the United States: *Provided*, That, notwithstanding any other provisions of law, such leases or permits may be issued for lands

*The language of sec. 5 (b) (5) (42 U.S.C. 1805) was amended on August 13, 1954, by Public Law 585, 83d Cong., (68 Stat. 708). For legislative history index to Public Law 585, 83d Cong., see index to S. 3344 in appendix 5.

In the basic Atomic Energy Act (Public Law 585, 79th Cong., 60 Stat. 755-775, 42 U.S.C. 1801-1819), sec. 5 (b) (5) read as shown below:

"(5) **ACQUISITION.**—The Commission is authorized and directed to purchase, take, requisition, condemn, or otherwise acquire, supplies of source materials or any interest in real property containing deposits of source materials to the extent it deems necessary to effectuate the provisions of this Act. Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property taken, requisitioned, or condemned under this paragraph."

administered for national park, monument, and wildlife purposes only when the President, by Executive order, finds and declares that such action is necessary in the interests of national defense.¹⁰

(7) **PUBLIC LANDS.**—No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic energy program, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such program, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other fissionable source materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or cause the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States fissionable source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation.¹¹

(c) **BYPRODUCT MATERIALS.**—

(1) **DEFINITION.**—As used in this Act, the term "byproduct material" means any radioactive material (except fissionable material) yielded in or made radioactive by exposure to the radiation incident to the processes of producing or utilizing fissionable material.

¹⁰ The language of sec. 5 (b) (6) (42 U.S.C. 1805) was amended on August 13, 1954, by Public Law 585, 83d Cong. (68 Stat. 708). For legislative history index to Public Law 585, 83d Cong., see index to S. 3344 in appendix 5.

In the basic Atomic Energy Act (Public Law 585, 79th Cong., 60 Stat. 755-775, 42 U.S.C. 1801-1819) sec. 5 (b) (6) read as shown below:

"(6) **EXPLORATION.**—The Commission is authorized to conduct and enter into contracts for the conduct of exploratory operations, investigations, and inspections to determine the location, extent, mode of occurrence, use, or conditions of deposits or supplies of source materials, making just compensation for any damage or injury occasioned thereby. Such exploratory operations may be conducted only with the consent of the owner, but such investigations and inspections may be conducted with or without such consent."

¹¹ The language of sec. 5 (b) (7) (42 U.S.C. 1805) was amended on August 13, 1954, by Public Law 585, 83d Cong. (68 Stat. 708). For legislative history index to Public Law 585, 83d Cong., see index to S. 3344 in appendix 5.

In the basic Atomic Energy Act (Public Law 585, 79th Cong., 60 Stat. 755-775, 42 U.S.C. 1801-1819), sec. 5 (b) (7) read as shown below:

"(7) **PUBLIC LANDS.**—All uranium, thorium, and all other materials determined pursuant to paragraph (1) of this subsection to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the public lands are hereby reserved for the use of the United States subject to valid claims, rights, or privileges, existing on the date of the enactment of this Act: *Provided, however,* That no individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, its, or their benefit. The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization hereafter granted to use the public lands or their mineral resources, under any of which there might result the extraction of any materials so reserved, a reservation to the United States of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. Any lands so patented, conveyed, leased, or otherwise disposed of may be used, and any rights under any such permit or authorization may be exercised, as if no reservation of such materials had been made under this subsection: except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under this subsection, such material shall be the property of the Commission and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation made pursuant to this paragraph shall be of no further force or effect."

(2) **DISTRIBUTION.**—The Commission is authorized to distribute, with or without charge, byproduct materials to applicants seeking such materials for research or development activity, medical therapy, industrial uses, or such other useful applications as may be developed. In distributing such materials, the Commission shall give preference to applicants proposing to use such materials in the conduct of research and development activity or medical therapy. The Commission shall not distribute any byproduct materials to any applicant, and shall recall any distributed materials from any applicant, who is not equipped to observe or who fails to observe such safety standards to protect health as may be established by the Commission or who uses such materials in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor.

(d) **GENERAL PROVISIONS.**—The Commission shall not—

(1) distribute any fissionable material to (A) any person for a use which is not under or within the jurisdiction of the United States, (B) any foreign government, or (C) any person within the United States if, in the opinion of the Commission, the distribution of such fissionable material to such person would be inimical to the common defense and security.

(2) license any person to transfer or deliver, receive possession of or title to, or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such purpose would be inimical to the common defense and security.

MILITARY APPLICATIONS OF ATOMIC ENERGY

SEC. 6. (a) AUTHORITY.—The Commission is authorized to—

(1) conduct experiments and do research and development work in the military application of atomic energy; and

(2) engage in the production of atomic bombs, atomic bomb parts, or other military weapons utilizing fissionable materials; except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year.

The President from time to time may direct the Commission (1) to deliver such quantities of fissionable materials or weapons to the armed forces for such use as he deems necessary in the interest of national defense or (2) to authorize the armed forces to manufacture, produce, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon.

(b) **PROHIBITION.**—It shall be unlawful for any person to manufacture, produce, transfer, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon, except as may be authorized by the Commission. Nothing in this subsection shall be deemed to modify the provisions of section 4 of this Act, or to prohibit research activities in respect of military weapons, or to permit the export of any such equipment or device.

UTILIZATION OF ATOMIC ENERGY

SEC. 7. (a) LICENSE REQUIRED.—It shall be unlawful, except as provided in sections 5 (a) (4) (A) or (B) or 6 (a), for any person to manufacture, produce, or export any equipment or device utilizing fissionable material or atomic energy or to utilize fissionable material or atomic energy with or without such equipment or device, except under and in accordance with a license issued by the Commission authorizing such manufacture, production, export, or utilization. No license may permit any such activity if fissionable material is produced incident to such activity, except as provided in sections 3 and 4. Nothing in this section shall be deemed to require a license for the conduct of research or development activities relating to the manufacture of such equipment or devices or the utilization of fissionable material or atomic energy, or for the manufacture or use of equipment or devices for medical therapy.

(b) **REPORT TO CONGRESS.**—Whenever in its opinion any industrial, commercial, or other nonmilitary use of fissionable material or atomic energy has been sufficiently developed to be of practical value, the Commission shall prepare a report to the President stating all the facts with respect to such use, the Commission's estimate of the social, political, economic, and international effects of such use and the Commission's recommendations for necessary or desirable supplemental legislation. The President shall then transmit this report to the Congress

together with his recommendations. No license for any manufacture, production, export, or use shall be issued by the Commission under this section until after (1) a report with respect to such manufacture, production, export, or use has been filed with the Congress; and (2) a period of ninety days in which the Congress was in session has elapsed after the report has been so filed. In computing such period of ninety days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

(c) **ISSUANCE OF LICENSES.**—After such ninety-day period, unless hereafter prohibited by law, the Commission may license such manufacture, production, export, or use in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this Act. The Commission is authorized and directed to issue licenses on a nonexclusive basis and to supply to the extent available appropriate quantities of fissionable material to licensees (1) whose proposed activities will serve some useful purpose proportionate to the quantities of fissionable material to be consumed; (2) who are equipped to observe such safety standards to protect health and to minimize danger from explosion or other hazard to life or property as the Commission may establish; and (3) who agree to make available to the Commission such technical information and data concerning their activities pursuant to such licenses as the Commission may determine necessary to encourage similar activities by as many licensees as possible. Each such license shall be issued for a specified period, shall be revocable at any time by the Commission in accordance with such procedures as the Commission may establish, and may be renewed upon the expiration of such period. Where activities under any license might serve to maintain or to foster the growth of monopoly, restraint of trade, unlawful competition, or other trade position inimical to the entry of new, freely competitive enterprises in the field, the Commission is authorized and directed to refuse to issue such license or to establish such conditions to prevent these results as the Commission, in consultation with the Attorney General, may determine. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of fissionable material or atomic energy which appears to have these results. No license may be given to any person for activities which are not under or within the jurisdiction of the United States, to any foreign government, or to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security.

(d) **BYPRODUCT POWER.**—If energy which may be utilized is produced in the production of fissionable material, such energy may be used by the Commission, transferred to other Government agencies, or sold to public or private utilities under contracts providing for reasonable resale prices.

INTERNATIONAL ARRANGEMENTS

SEC. 8. (a) DEFINITION.—As used in this Act, the term "international arrangement" shall mean any treaty approved by the Senate or international agreement hereafter approved by the Congress, during the time such treaty or agreement is in full force and effect.

(b) **EFFECT OF INTERNATIONAL ARRANGEMENTS.**—Any provision of this Act or any action of the Commission to the extent that it conflicts with the provisions of any international arrangement made after the date of enactment of this Act shall be deemed to be of no further force or effect.

(c) **POLICIES CONTAINED IN INTERNATIONAL ARRANGEMENTS.**—In the performance of its functions under this Act, the Commission shall give maximum effect to the policies contained in any such international arrangement.

PROPERTY OF THE COMMISSION

SEC. 9. (a) The President shall direct the transfer to the Commission of all interests owned by the United States or any Government agency in the following property:

(1) All fissionable material; all atomic weapons and parts thereof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy; all processes and technical information of any kind, and the source thereof (including data, drawings, specifications, patents, patent applications, and other sources (sic) relating to the processing, production, or utilization of fissionable material or atomic energy; and all con-

tracts, agreements, leases, patents, applications for patents, inventions and discoveries (whether patented or unpatented), and other rights of any kind concerning any such items;

(2) All facilities, equipment, and materials, devoted primarily to atomic energy research and development; and

(3) Such other property owned by or in the custody or control of the Manhattan Engineer District or other Government agencies as the President may determine.

(b) In order to render financial assistance to those States and localities in which the activities of the Commission are carried on and in which the Commission has acquired property previously subject to State and local taxation, the Commission is authorized to make payments to State and local governments in lieu of property taxes. Such payments may be in the amounts, at the times, and upon the terms the Commission deems appropriate, but the Commission shall be guided by the policy of not making payments in excess of the taxes which would have been payable for such property in the condition in which it was acquired, except in cases where special burdens have been cast upon the State or local government by activities of the Commission, the Manhattan Engineer District or their agents. In any such case, any benefit accruing to the State or local government by reason of such activities shall be considered in determining the amount of the payment.¹²

CONTROL OF INFORMATION

SEC. 10. (a) POLICY.—It shall be the policy of the Commission to control the dissemination of restricted data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

(1) That until Congress declares by joint resolution that effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established, there shall be no exchange of information with other nations with respect to the use of atomic energy for industrial purposes; and

(2) That the dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticisms which is essential to scientific progress.

(3) *Nothing contained in this section shall prohibit the Commission, when in its unanimous judgment the common defense and security would be substantially promoted and would not be endangered, subject to the limitations hereinafter set out, from entering into specific arrangements involving the communication to another nation of restricted data on refining, purification, and subsequent treatment of source materials; reactor development; production of fissionable materials; and research and development relating to the foregoing: Provided,*

(1) *that no such arrangement shall involve the communication of restricted data on design and fabrication of atomic weapons;*

(2) *that no such arrangement shall be entered into with any nation threatening the security of the United States;*

(3) *that the restricted data involved shall be limited and circumscribed to the maximum degree consistent with the common defense and security objective in view, and that in the judgment of the Commission the recipient nation's security standards applicable to such data are adequate;*

(4) *that the President after securing the written recommendations of the National Security Council, has determined in writing (incorporating the National Security Council recommendation) that the arrangement would substantially promote and would not endanger the common defense and security of the United States, giving specific consideration to the security sensitivity of the restricted data involved and the adequacy and sufficiency at the security safeguards undertaken to be maintained by the recipient nation; and*

¹² Sec. 9 (b) (42 U.S.C. 1809) was amended on August 13, 1953, by Public Law 262, 83d Cong. (67 Stat. 575) by dropping the last sentence of the section. (See S. 671 (Jan. 27, 1953) and S. Rept. 694 (July 28, 1953). For legislative history index to Public Law 262, 83d Cong., see index to S. 671 in appendix 5. This amendment is effective October 1, 1953.

In the basic Atomic Energy Act (Public Law 585, 79th Cong., 60 Stat. 755-775, 42 U.S.C. 1801-1819) the following last sentence was included in sec. 9 (b): "The Commission, and the property, activities, and income of the Commission, are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision thereof."

(5) *that before the arrangement is consummated by the Commission the Joint Committee on Atomic Energy has been fully informed for a period of thirty days in which the Congress was in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days).*¹³

(b) RESTRICTIONS.—

(1) The term "restricted data" as used in this section means all data concerning the manufacture or utilization of atomic weapons, the production of fissionable material, or the use of fissionable material in the production of power, but shall not include any data which the Commission from time to time determines may be published without adversely affecting the common defense and security.

(2) Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with, any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data—

(A) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both;

(B) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both.

(3) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires, or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both.

(4) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes, conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan, model, instrument, appliance, or note involving or incorporating restricted data and used by any individual or person in connection with the production of fissionable material, or research or development relating to atomic energy, conducted by the United States, or financed in whole or in part by Federal funds, or conducted with the aid of fissionable material, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than \$20,000 or imprisonment for not more than twenty years or both.

(5) (A) No person shall be prosecuted for any violation under this section unless and until the Attorney General of the United States has advised the Commission with respect to such prosecution and no such prosecution shall be commenced except upon the express direction of the Attorney General of the United States.

(B) (i) No arrangement shall be made under section 3, no contract shall be made or continued in effect under section 4, and no license shall be issued under section 4 (e) or 7, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to restricted data until the Civil

¹³ The language of sec. 10(a)(3) (42 U.S.C. 1810) which was added on October 30, 1951, by Public Law 235, 82d Cong. (65 Stat. 692) is shown above in italics. (See S. 2233 H. Rept. 1104 (Oct. 8, 1951).) (For legislative history index in Public Law 235, 82d Cong., see index to S. 2233 in appendix 5.)

Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual and the Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense or security.¹⁴

(ii) Except as authorized by the Commission in case of emergency, no individual shall be employed by the Commission until the *Civil Service Commission* shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual.¹⁴

(iii) Notwithstanding the provisions of subparagraphs (i) and (ii), during such period of time after the enactment of this Act, as may be necessary to make the investigation, report, and determination required by such paragraphs, (a) any individual who was permitted access to restricted data by the Manhattan Engineer District may be permitted access to restricted data and (b) the Commission may employ any individual who was employed by the Manhattan engineer District.

(iv) *In the event an investigation made pursuant to sections 10(b)(5)(B)(i) and (ii) develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.*¹⁵

(v) *If the President deems it to be in the national interest, he may from time to time cause investigations of any group or class which are required by sections 10(b)(5)(i) and (ii) to be made by the Federal Bureau of Investigation rather than the Civil Service Commission.*¹⁵

(vi) *Notwithstanding the provisions of sections 10(b)(5)(i) and (ii) above, a majority of the members of the Commission shall certify these specific positions which are of a high degree of importance or sensitivity and upon such certification the investigation and reports required by such provisions shall be made by the Federal Bureau of Investigation rather than by the Civil Service Commission.*¹⁵

(vii) To protect against the unlawful dissemination of restricted data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable.¹⁶

(C) All violations of this Act shall be investigated by the Federal Bureau of Investigation of the Department of Justice.

(6) This section shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of this section.

(c) **INSPECTIONS, RECORDS, AND REPORTS.**—The Commission is—

(1) authorized by regulation or order to require such reports and the keeping of such records with respect to, and to provide for such inspections of, activities and studies of types specified in section 3 and of activities under licenses issued pursuant to section 7 as may be necessary to effectuate the purposes of this Act;

(2) authorized and directed by regulation or order to require regular reports and records with respect to, and to provide for frequent inspections of, the production of fissionable material in the conduct of research and development activities.

PATENTS AND INVENTIONS

SEC. 11. (a) PRODUCTION AND MILITARY UTILIZATION.

(1) No patent shall hereafter be granted for any invention or discovery which is useful solely in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon. Any patent granted

¹⁴ Public Law 298, 82d Cong. (66 Stat. 44, ch. 159) amended 11 acts, including sections 10(b)(5)(B)(i) and (B)(ii) of the Atomic Energy Act of 1946, by "striking therefrom, whenever they appear, the words 'Federal Bureau of Investigation' and inserting in lieu thereof the words 'Civil Service Commission'." For legislative history index to Public Law 137, 83d Cong., see index to H.R. 4905 in appendix 5.

¹⁵ Former sec. 10(b)(5)(B)(iv) (42 U.S.C. 1810) was renumbered as sec. 10(b)(5)(B)(vii) and new secs. 10(b)(5)(B)(iv), 10(b)(5)(B)(v) and 10(b)(5)(B)(vi) were brought into the Atomic Energy Act of 1946 by Public Law 164, 83d Cong. (67 Stat. 240) (on July 31, 1953). (See S. 2399 (July 15, 1953), and S. Rept. 603 (July 18, 1953) : see also H.R. 6305 (July 15, 1953).) For legislative history index to Public Law 164, 83d Cong., see index to S. 2399 in appendix 5.

for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

(2) No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

(3) Any person who has made or hereafter makes any invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon shall file with the Commission a report containing a complete description thereof, unless such invention or discovery is described in an application for a patent filed in the Patent Office by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the latest: (A) The sixtieth day after the date of enactment of this Act; (B) the sixtieth day after the completion of such invention or discovery; or (C) the sixtieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

(b) **USE OF INVENTIONS FOR RESEARCH.**—No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the conduct of research or development activities in the fields specified in section 3. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

(c) **NONMILITARY UTILIZATION.**—

(1) It shall be the duty of the Commission to declare any patent to be affected with the public interest if (A) the invention or discovery covered by the patent utilizes or is essential in the utilization of fissionable material or atomic energy; and (B) the licensing of such invention or discovery under this subsection is necessary to effectuate the policies and purposes of this Act.

(2) Whenever any patent has been declared, pursuant to paragraph (1), to be affected with the public interest—

(A) The Commission is hereby licensed to use the invention or discovery covered by such patent in performing any of its powers under this Act; and

(B) Any person to whom a license has been issued under section 7 is hereby licensed to use the invention or discovery covered by such patent to the extent such invention or discovery is used by him in carrying on the activities authorized by his license under section 7.

The owner of the patent shall be entitled to a reasonable royalty fee for any use of an invention or discovery licensed by this subsection. Such royalty fee may be agreed upon by such owner and the licensee, or in the absence of such agreement shall be determined by the Commission.

(3) No court shall have jurisdiction or power to stay, restrain, or otherwise enjoin the use of any invention or discovery by a licensee, to the extent that such use is licensed by paragraph (2) above, on the ground of infringement of any patent. If in any action for infringement against such licensee the court shall determine that the defendant is exercising such license, the measure of damages shall be the royalty fee determined pursuant to this section, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court. If no royalty fee has been determined, the court shall stay the proceeding until the royalty fee is determined pursuant to this section. If any such licensee shall fail to pay such royalty fee, the patentee may bring an action in any court of competent jurisdiction for such royalty fee, together with such costs, interest, and reasonable attorneys' fees as may be fixed by the court.

(d) **ACQUISITION OF PATENTS.**—The Commission is authorized to purchase, or to take, requisition, or condemn, and make just compensation for, (1) any invention or discovery which is useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon, or which utilizes or is essential in the utilization of fissionable material or atomic energy, or (2) any patent or patent application covering any such invention or discovery. The Commission of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which in his opinion

disclose such inventions or discoveries and shall provide the Commission access to all such applications.

(e) COMPENSATION AWARDS, AND ROYALTIES.—

(1) PATENT COMPENSATION BOARD.—The Commission shall designate a Patent Compensation Board, consisting of two or more employees of the Commission, to consider applications under this subsection.

(2) ELIGIBILITY.—

(A) Any owner of a patent licensed under subsection (c) (2) or any licensee thereunder may make application to the Commission for the determination of a reasonable royalty fee in accordance with such procedures as it by regulation may establish.

(B) Any person seeking to obtain the just compensation provided in subsections (a), (b), or (d) shall make application therefor to the Commission in accordance with such procedures as it may by regulation establish.

(C) Any person making any invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon who is not entitled to compensation therefor under subsection (a) and who has complied with subsection (a) (3) above may make application to the Commission for, and the Commission may grant, an award.

(D) Any person making application under this subsection shall have the right to be represented by counsel.

(3) STANDARDS.—

(A) In determining such reasonable royalty fee, the Commission shall take into consideration any defense, general or special, that might be pleaded by a defendant in an action for infringement, the extent to which, if any, such patent was developed through federally financed research, the degree of utility, novelty, and importance of the invention or discovery, and may consider the cost to the owner of the patent of developing such invention or discovery or acquiring such patent.

(B) In determining what constitutes just compensation under subsection (a), (b), or (d) above, the Commission shall take into account the considerations set forth in paragraph (A) above, and the actual use of such invention or discovery, and may determine that such compensation be paid in periodic payments or in a lump sum.

(C) In determining the amount of any award under paragraph (2) (C) of this subsection, the Commission shall take into account the considerations set forth in paragraph (A) above, and the actual use of such invention or discovery. Awards so made may be paid by the Commission in periodic payments or in a lump sum.

(4) JUDICIAL REVIEW.—Any person aggrieved by any determination of the Commission of an award or of a reasonable royalty fee may obtain a review of such determination in the Court of Appeals for the District of Columbia by filing in such court, within thirty days after notice of such determination, a written petition praying that such determination be set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the Commission shall file with the court a certified transcript of the entire record in the proceeding, including the findings and conclusions upon which the determination was based. Upon the filing of such transcript the court shall have exclusive jurisdiction upon the record certified to it to affirm the determination in its entirety or set it aside and remand it to the Commission for further proceedings. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code (U.S.C., title 28, sec. 347), by the Commission or any party to the court proceeding.

GENERAL AUTHORITY

SEC. 12. (a) In the performance of its functions the Commission is authorized to—

(1) establish advisory boards to advise with and make recommendations to the Commission on legislation, policies, administration, research, and other matters;

(2) establish by regulation or order such standards and instructions to govern the possession and use of fissionable and byproduct materials as the

Commission may deem necessary or desirable to protect health or to minimize danger from explosions and other hazards to life or property;

(3) make such studies and investigations, obtain such information, and hold such hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this Act, or in the administration or enforcement of this Act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpoena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (U.S.C., title 49, sec. 46), shall apply with respect to any individual who specifically claims such privilege. Witnesses subpoenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States;

(4) appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended, except that to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws. The Commission shall make adequate provisions for administrative review of any determination to dismiss any employee;

(5) acquire such materials, property, equipment, and facilities, establish or construct such buildings and facilities, and modify such buildings and facilities from time to time as it may deem necessary, and construct, acquire, provide, or arrange for such facilities and services (at project sites where such facilities and services are not available) for the housing, health, safety, welfare, and recreation of personnel employed by the Commission as it may deem necessary;

(6) with the consent of the agency concerned, utilize or employ the services or personnel of any Government agency or any State or local government, or voluntary or uncompensated personnel, to perform such functions on its behalf as may appear desirable;

(7) acquire, purchase, lease, and hold real and personal property as agent of and on behalf of the United States and to sell, lease, grant, and dispose of such real and personal property as provided in this Act; and

(8) without regard to the provisions of the Surplus Property Act of 1944 or any other law, make such disposition as it may deem desirable of (A) radioactive materials, and (B) any other property the special disposition of which is, in the opinion of the Commission, in the interest of the national security.

(9) *authorize such of its members, officers and employees as it deems necessary in the interest of the common defense and security to carry firearms while in the discharge of their official duties. The Commission may also authorize such of those employees of its contractors engaged in guard duties at facilities owned by the United States as it deems necessary in the interest of the common defense and security to carry firearms while in the discharge of their official duties.*¹⁵

(10) *make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.*¹⁶

(b) SECURITY.—The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

(c) ADVISORY COMMITTEES.—The members of the General Advisory Committee established pursuant to section 2(b) and the members of advisory boards established pursuant to subsection (a) (1) of this section may serve as such without regard to the provisions of sections 109 and 113 of the Criminal Code (18

¹⁵ Secs. 12 (a) (9) and (10) (42 U.S.C. 1812) were added on July 31, 1953, by Public Law 164, 83d Cong. (67 Stat. 240). (See S. 2399 (July 15, 1953) and S. Rept. 603 (July 15, 1953); see also H.R. 6305 (July 15, 1953).) For legislative history index to Public Law 164, 83d Cong., see index to S. 2399 in appendix 5.

U.S.C., secs. 198 and 203) or section 19(e) of the Contract Settlement Act of 1944, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

(d) *The Atomic Energy Commission is authorized in connection with the construction or operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission, without regard to section 3679 of the Revised Statutes, as amended, to enter into new contracts or modify or confirm existing contracts to provide for electric-utility services for periods not exceeding twenty-five years, and such contracts shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contracts, and any appropriation presently or hereafter made available to the Commission shall be available for the payment of such cancellation costs. Any such cancellation payments shall be taken into consideration in determination of the rate to be charged in the event the Commission or any other agency of the Federal Government shall purchase electric-utility services from the contractor subsequent to the cancellation and during the life of the original contract.*¹⁷

COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

SEC. 13. (a) The United States shall make just compensation for any property or interests therein taken or requisitioned pursuant to sections 5 and 11. The Commission shall determine such compensation. If the compensation so determined is unsatisfactory to the person entitled thereto, such person shall be paid 50 per centum of the amount so determined, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code to recover such further sum as added to said 50 per centum will make up such amount as will be just compensation.

(b) In the exercise of the rights of eminent domain and condemnation, proceedings may be instituted under the Act of August 1, 1888 (U.S.C., title 40, sec. 257), or any other applicable Federal statute. Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this Act, notwithstanding any other law. Real property acquired by purchase, donation, or other means of transfer may also be occupied, used, and improved for the purposes of this Act, prior to approval of title by the Attorney General.

JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

SEC. 14. (a) Notwithstanding the provisions of section 12 of the Administrative Procedure Act (Public Law 404, Seventy-ninth Congress, approved June 11, 1946) which provide when such Act shall take effect, section 10 of such act (relating to judicial review) shall be applicable, upon the enactment of the Act, to any agency action under the authority of this Act or by any agency created by or under the provisions of this Act.

(b) Except as provided in subsection (a), no provision of this Act shall be held to supersede or modify the provisions of the Administrative Procedure Act.

(c) As used in this section the terms "agency action" and "agency" shall have the same meaning as is assigned to such terms in the Administrative Procedure Act.

JOINT COMMITTEE ON ATOMIC ENERGY

SEC. 15. (a) There is hereby established a Joint Committee on Atomic Energy to be composed of nine Members of the Senate to be appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five members shall be members of the same political party.

(b) The joint committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development,

¹⁷ Sec. 12 (d) (42 U.S.C. 1812) was added on July 17, 1953, by Public Law 137, 83d Cong. (61 Stat. 181). (See H.R. 4905 (Apr. 28, 1953) and H. Rept. 676 (June 26, 1953); see also S. 2239 (June 29, 1953) and S. Rept. 477 (June 29, 1953).) For legislative history index to Public Law 137, 83d Cong., see index to H.R. 4905 in appendix 5.

use, and control of atomic energy. The Commission shall keep the joint committee fully and currently informed with respect to the Commission's activities. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use or control of atomic energy shall be referred to the joint committee. The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the joint committee or (2) otherwise within the jurisdiction of the joint committee.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section.

(e) The joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government. *The committee is authorized to permit such of its members, employees and consultants as it deems necessary in the interest of common defense and security to carry firearms while in the discharge of their official duties for the committee.*¹⁸

ENFORCEMENT

SEC. 16. (a) Whoever willfully violates, attempts to violate, or conspires to violate, any provision of sections 4(b), 4(e), 5(a)(3), or 6(b) shall, upon conviction thereof, be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

(b) Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this Act other than those specified in subsection (a) and other than section 10(b), or of any regulation or order prescribed or issued under sections 5(b)(4), 10(c), or 12(a)(2), shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

¹⁸ Last sentence to sec. 15 (e) added by Public Law 164, 83d Cong., on July 31, 1953 (67 Stat. 240). (See S. 2399 (July 15, 1953) and S. Rept. 603 (July 18, 1953); see also H.R. 6305 (July 15, 1953).) For legislative history to Public Law 164, 83d Cong., see index to S. 2399 in appendix 5.

(c) Whenever in the judgment of the Commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or any regulation or order issued thereunder, it may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Commission that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order may be granted.

(d) In case of failure or refusal to obey a subpoena served upon any person pursuant to section 12(a) (3), the district court for any district in which such person is found or resides or transacts business, upon application by the Commission, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, in accordance with the subpoena; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

REPORTS

SEC. 17. The Commission shall submit to the Congress, in January and July of each year, a report concerning the activities of the Commission. The Commission shall include in such report, and shall at such other times as it deems desirable submit to the Congress, such recommendations for additional legislation as the Commission deems necessary or desirable.

DEFINITIONS

SEC. 18. As used in this Act—

(a) The term "atomic energy" shall be construed to mean all forms of energy released in the course of or as a result of nuclear fission or nuclear transformation.

(b) The term "Government agency" means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government.

(c) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, the United States or any agency thereof, any government other than the United States, any political subdivision of any such government, and any legal successor, representative, agent, or agency of the foregoing, or other entity, but shall not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions.

(d) The term "United States," when used in a geographical sense, includes all Territories and possessions of the United States and the Canal Zone.

(e) The term "research and development" means theoretical analysis, exploration, and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(f) The term "equipment or device utilizing fissionable material or atomic energy" shall be construed to mean any equipment or device capable of making use of fissionable material or peculiarly adapted for making use of atomic energy and any important component part especially designed for such equipment or devices, as determined by the Commission.

(g) The term "facilities for the production of fissionable material" shall be construed to mean any equipment or device capable of such production and any important component part especially designed for such equipment or devices, as determined by the Commission.

APPROPRIATIONS

SEC. 19. There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act. The Acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only. Funds appropriated to the Commission shall, if obligated by contract during the fiscal year

for which appropriated, remain available for expenditure for four years following the expiration of the fiscal year for which appropriated. After such four-year period, the unexpended balances of appropriations shall be carried to the surplus fund and covered into the Treasury.

SEPARABILITY OF PROVISIONS

SEC. 20. If any provision of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SHORT TITLE

SEC. 21. This Act may be cited as the "Atomic Energy Act of 1946".

Approved August 1, 1946.

APPENDIX 5

INDEX TO LEGISLATIVE HISTORY OF THE ATOMIC ENERGY ACT OF 1946 AND AMENDMENTS

On August 6, 1945, President Truman announced the first military use of an atomic bomb. Congress was not in session on that date. The House of Representatives pursuant to House Concurrent Resolution 68 had adjourned on July 21 until October 8, 1945. The Senate, on August 1, 1945, adjourned until October 8, 1945, under the terms of the same resolution. On September 1, 1945, "legislative expediency" warranted "reassembly of Congress" on September 5, 1945.

On September 5, 1945, the day the Congress reassembled, the first bill regarding the control of the atomic bomb was introduced by Congressman Bender in the House. It was H.R. 3912, a bill making it a capital offense to disclose information or impart knowledge with respect to the atomic bomb. On the same day, Congressman Ludlow introduced House Resolution 336 which was a "resolution urging action by the United Nations to ban the atomic bomb as an instrument of war."

The first bill introduced in the Senate was introduced on September 6, 1945, by Senator McMahon. It was S. 1359, "a bill to conserve and restrict the use of atomic energy for the national defense, to prohibit its private exploitation, and to preserve the secret and confidential character of information concerning the use and application of atomic energy." On the same day, Senator Vandenberg introduced Senate Concurrent Resolution 28 which had as its purpose "creating a joint committee to investigate the matter of the development, control, and use of atomic energy."

Subsequently a variety of legislation regarding atomic energy consisting of bills and resolutions was introduced in both Houses of Congress. They are listed in the tables below.

NUMBERS OF BILLS AND RESOLUTIONS INTRODUCED IN THE HOUSE OF REPRESENTATIVES DURING THE 79th CONG.

Bill or resolution No.	Author	Congress and session
H.R. 3912	Bender (Ohio)	79th, 1st.
H.R. 3997	Sumners (Texas)	
H.R. 4014	Voorhis (California)	
H.R. 4015	do	
H.R. 4152	Arends (Illinois)	
H.R. 4280	May (Kentucky)	
H.R. 4566	do	
H. Res. 336	Ludlow (Indiana)	
H. Res. 345	O'Toole (New York)	
H. Res. 381	Durham (North Carolina)	
H. Res. 404	Douglas (California)	
H. Con. Res. 83	Harris (Arkansas)	
H. Con. Res. 115	Douglas (California)	
H. Con. Res. 117	Voorhis (California)	
H.J. Res. 292	do	
H.J. Res. 296	Sabath (Illinois)	79th, 2d.
H.R. 5230	Celler (New York)	
H.R. 5364	Douglas (California)	
H.R. 5365	Holifield (California)	
H.R. 6197	Biemiller (Wisconsin)	
H. Res. 505	Vinson (Georgia)	
H. Res. 592	Voorhis (California)	
H. Res. 593	Holifield (California)	
H. Res. 594	Woodhouse (Michigan)	
H. Res. 595	Douglas (California)	
H. Res. 596	Biemiller (Wisconsin)	
H. Res. 688	Luce (Connecticut)	
H. Res. 697	Douglas (California)	
H. Res. 708	Sabath (Illinois)	
H. Con. Res. 124	Burgin (North Carolina)	
H. Con. Res. 146	Ludlow (Indiana)	
H.J. Res. 307	Vinson (Georgia)	
H.J. Res. 326	Havener (California)	

NUMBERS OF BILLS AND RESOLUTIONS RELATING TO ATOMIC ENERGY INTRODUCED IN THE SENATE DURING THE
79TH CONG.

Bill or resolution No.	Author	Congress and session
S. 1359.....	McMahon (Connecticut).....	79th, 1st.
S. 1463.....	Johnson (Colorado).....	
S. 1557.....	Ball (Minnesota).....	
S. 1717.....	McMahon (Connecticut).....	
S. Res. 179.....	do.....	
S. Res. 183.....	Taylor (Idaho).....	
S. Res. 186.....	McKellar (Tennessee).....	
S. Res. 206.....	Hoey (North Carolina).....	
S. Con. Res. 28.....	Vandenberg (Michigan).....	
S. Con. Res. 38.....	Thomas (Utah).....	
S. J. Res. 93.....	Thomas (Utah).....	
S. J. Res. 103.....	Hill (Alabama).....	
S. 1824.....	Johnson (Colorado).....	
S. 2054.....	Hatch (New Mexico).....	79th, 2d.
S. Res. 232.....	McMahon (Connecticut).....	
S. Res. 237.....	do.....	
S. Res. 255.....	Fulbright (Arkansas).....	
	Kilgore (West Virginia).....	
	Mitchell (Washington).....	
	Morse (Oregon).....	

On October 9, 1945, Senator McMahon introduced Senate Resolution 179, which had as its purpose "creating a special committee to investigate problems relating to the development, use, and control of atomic energy." The resolution was agreed to on October 22, 1945. The resolution, as agreed to, and legislative history index are:

Senate Resolution 179

Resolved, That a special committee on atomic energy to be composed of eleven Members of the Senate appointed by the President pro tempore of the Senate, of whom one shall be designated as chairman by the President pro tempore, is authorized and directed to make a full, complete, and continuing study and investigation with respect to problems relating to the development use, and control of atomic energy. All bills and resolutions introduced in the Senate, and all bills and resolutions from the House of Representatives proposing legislation relating to the development, use, and control of atomic energy shall be referred to the special committee. The special committee is authorized to report to the Senate at the earliest practicable date by bill or otherwise with recommendations upon any matters covered by this resolution. The existence of this committee shall terminate at the end of the Seventy-ninth Congress.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-ninth Congress, to employ such experts, and such clerical, stenographic, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Legislative history index to Senate Resolution 179

(Page numbers refer to Congressional Record, 79th Cong., 1st sess.)

Introduced and referred to Committee on Interstate Commerce, 9472.
Reported with amendments and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, 9644.
Reported back, 9759.
Debated in Senate 9785-9788, 9888-9894, 9695-9898.
Passed Senate, 9893.

On November 27, 1945, the Senate Special Committee on Atomic Energy began "public hearings on the entire question of the atomic bomb and atomic energy."

The public hearings, entitled "Atomic Energy," were published in five parts. They were—

Part 1, November 27, 28, 29, and 30, 1945; December 3, 1945.

Part 2, December 5, 6, 10, and 12, 1945.

Part 3, December 13, 14, 19, and 20, 1945.

Part 4, January 24, 1946.

Part 5, February 15, 1946.

Included in legislation referred to the Senate Special Committee on Atomic Energy was S. 1717, introduced by Senator McMahon on December 20, 1945, S. 1717 (companion bill, H.R. 5364) was ultimately passed by the Congress and became Public Law 585, Seventy-ninth Congress, cited as the Atomic Energy Act of 1946. The legislative history index of S. 1717 is printed below.

Public Law 585, 79th Cong.—S. 1717

For the development and control of atomic energy

(Page references are to Congressional Record, 79th Cong., 2d sess., unless otherwise indicated)

Introduced December 20, 1945.

Mr. McMahon, from the Special Committee on Atomic Energy, 12406. (79th Cong., 1st sess.)

Reported with amendment (S. Rept. 1211), 4031.

Debated, amended, and passed Senate, 6076-6098.

Referred to House Committee on Military Affairs, 6351.

Reported with amendment (H. Rept. 2478), 8602.

Made special order (H. Res. 708), 9135-9144.

Debated in House, 9249-9275, 9340-9386, 9463-9477, 9478-9493, 9495-9562.

Passed House, 9563.

Senate disagrees to House amendments and asks for a conference, 9611.

Conferees appointed, 9611.

House insists upon its amendments and agrees to a conference, 9663.

Conferees appointed, 9663, 10020.

Conference report submitted in Senate and agreed to, 10167.

Conference report (No. 2670) submitted in House and agreed to, 10189-10199.

Examined and signed, 10329, 10411.

Presented to the President, 10412.

Approved [Public Law 585,] 10619.

(See hearings entitled "Atomic Energy Act of 1946," before Senate Special Committee on Atomic Energy, Hearings on S. 1717, a bill for the development and control of atomic energy, pts. 1 to 5, dated as follows:

Pt. 1, January 22 and 23, 1946;

Pt. 2, January 25, 28, 29, 30, 31, and February 1, 1946;

Pt. 3, February 7, 8, 11, 13, and 14, 1946;

Pt. 4, February 18, 19, and 27, 1946; and

Pt. 5, April 4 and 5, 1946.)

Public Law 898, 80th Cong.—H.R. 6402

Relating to the terms of office of members of the Atomic Energy Commission

(Page references are to Congressional Record, 80th Cong., 2d sess.)

(Introduced April 30, 1948.)

Mr. Cole of New York; Joint Committee on Atomic Energy, 5166.

Reported back (H. Rept. 1973), 6050.

Minority views (H. Rept. 1973, pt. 2), 6348, 6373.

Passed House, 8953.

Debated in Senate (in lieu of S. 2589), 9034, 9067, 9070.

Passed Senate (in lieu of S. 2589), 9073.

Examined and signed, 9354, 9363.

Presented to the President, 9365.

Approved [Public Law 898], 9368.

Public Law 347, 81st Cong.—S. 2372

Relating to the Military Liaison Committee and the Division of Military Application

(Page references are to Congressional Record, 81st Cong., 1st sess.)

(Introduced August 3, 1949.)

Mr. McMahon; Joint Committee on Atomic Energy, 10650.

Reported with amendment (S. Rept. 934), 11732.

Objected to, 12376.

Amended and passed Senate, 12386.

Passed House (in lieu of H.R. 5884), 13557.

Examined and signed, 13638, 13735.

Presented to the President, 13647.

Approved [Public Law 347], 14490.

Public Law 820, 81st Cong.—S. 3437

Relating to the Office of General Manager and to the compensation to be paid members of the Commission

(Page references are to Congressional Record, 81st Cong., 2d sess.)

(Introduced April 17, 1950.)

Mr. McMahon; Joint Committee on Atomic Energy, 5234.

Reported with amendments (S. Rept. 2493), 13803.

Amended and passed Senate, 14664.

Referred to Joint Committee on Atomic Energy, 14872.

Committee discharged, passed House, 15329.

Examined and signed, 15458, 15646.

Presented to the President, 15459.

Approved [Public Law 820], 15771.

Public Law 235, 82d Cong.—S. 2233

Relating to prohibition on production of fissionable materials outside the United States and to communication of restricted data to other nations

(Page references are to Congressional Record, 82d Cong., 1st sess.)

(Introduced October 8, 1951.)

Mr. McMahon, from the Joint Committee on Atomic Energy (S. Rept. 894), 12737.

Ordered placed on Senate Calendar, 12737.

Debated, 12853, 12937, 12938.

Passed Senate, 12941.

Passed House (in lieu of H.R. 5646), 13311.

Examined and signed, 13351, 13405.

Presented to the President, 13409.

Approved [Public Law 235], 13732.

Public Law 298, 82d Cong.—S. 2077

Relating to security clearance investigations being made by the Civil Service Commission in lieu of the FBI

(Page references are to Congressional Record, 82d Cong., 2d sess., except where otherwise indicated)

(Introduced August 30, 1951.)

Mr. Johnston (South Carolina), Committee on Post Office and Civil Service, 10794 (82d Cong., 1st sess.).

Reported with amendments, 13113 (S. Rept. 950, 82d Cong., 1st sess.).

Objected to, 13535 (82d Cong., 1st sess.).
 Amended and passed Senate, 485.
 Referred to House Committee on Post Office and Civil Service, 558.
 Reported back (H. Rept. 1449), 1658.
 Made special order (H. Res. 555), 2140.
 Debated, 2143.
 Amended and passed House, 2158.
 Senate disagrees to House amendment and asks for a conference, 2348.
 Conferees appointed, 2348.
 House agrees to a conference asked by the Senate, 2437.
 Conferees appointed, 2437.
 Conference report (No. 1635) submitted in House, 2880.
 Conference report submitted in Senate and agreed to, 2934.
 House agrees to conference report, 2980.
 Examined and signed, 3031, 3134.
 Presented to the President, 3034.
 Approved, April 5, 1952 [Public Law 298] (omitted in Record).

See hearings entitled "Transfer of Responsibility for Conducting Certain Personnel Investigations" before House Post Office and Civil Service Committee. Hearings on S. 2077 and H.R. 5549 (introduced October 1, 1951, as companion bill to S. 2077), dated Feb. 5, 1952.)

Public Law 262, 83d Cong.—S. 671

Relating to State and local taxation of Atomic Energy Commission property and activities

(Page references are to the Congressional Record, 83d Cong., 1st sess.)

(Introduced January 27, 1953.)
 Mr. Kuchel and Mr. Knowland; Joint Committee on Atomic Energy, p. 586.
 Reported with amendment (S. Rept. 694), 10056.
 Amended and passed Senate, 10506.
 Referred to Joint Committee on Atomic Energy, 10742.
 Committee discharged; passed House, 10915.
 Examined and signed, 10957, 11156.
 Presented to the President, 11023.
 Approved [Public Law 262], 11102.

Public Law 164, 83d Cong.—S. 2399

Relating to divisions within the AEC; compensation of directors; carrying of firearms; FBI investigations; rule-making

(Page references are to the Congressional Record, 83d Cong., 1st sess.)

(Introduced July 15, 1953.)
 Mr. Hickenlooper, from Joint Committee on Atomic Energy (S. Rept. 603), 8846, 9122.
 Ordered placed on the calendar, 8846.
 Debated, 8985, 9156.
 Amended and passed Senate, 9156, 9225.
 Passed House, 9438.
 Examined and signed, 9499, 9571.
 Presented to the President, 9572.
 Approved [Public Law 164], 10624.

H.R. 6305—Companion Bill

(Introduced July 15, 1953.)
 Mr. Cole of New York; Committee on Atomic Energy, 8932.

Private Law 94, 83d Cong.—H.R. 233

To release all the right, title, and interest of the United States in and to all fissionable materials in certain land in Marion County, Ind.

(Page references are to the Congressional Record, 83d Cong., 1st sess.)

(Introduced January 6, 1953.)

Mr. Brownson; Committee on Interior and Insular Affairs, 57.

Reported back (H. Rept. 177), 2132.

Passed House, 3016.

Referred to Senate Committee on Interior and Insular Affairs, 3055.

Reported back (S. Rept. 524), 8704.

Passed Senate, 9153.

Examined and signed, 9177, 9302.

Presented to the President, 9302.

Approved [Private Law 94], 9950.

Public Law 137, 83d Cong.—H.R. 4905

Relating to purchase of electric services at certain AEC facilities without regard for Section 3679 of the Revised Statutes

(Page references are to the Congressional Record, 83d Cong., 1st sess.)

(Introduced April 28, 1953.)

Mr. Cole of New York; Joint Committee on Atomic Energy, 4154.

Reported with amendment (H. Rept. 676), 7402.

Amended and passed House, 8124.

Ordered placed on the Senate Calendar, 8174.

Passed Senate (in lieu of S. 2239), 8338.

Examined and signed, 8726, 8537, 8418.

Presented to the President, 8537.

Approved [Public Law 137], 9950.

S. 2239—Companion Bill

(Introduced June 29, 1953.)

Mr. Hickenlooper, from Joint Committee on Atomic Energy (S. Rept. 477), 7546.

Ordered placed on the calendar, 7546, 7550.

Objected to, 8002.

Indefinitely postponed (H.R. 4905 passed in lieu), 8338.

Public Law 585, 83d Cong.—S. 3344

Relating to acquisition of source materials by AEC and exploration for and mining of said materials on public lands

(Page references are to Congressional Record, 83d Cong., 2d sess.)

Mr. Millikin and others; referred to Committee on Interior and Insular Affairs, 5464.

Reported with amendments (S. Rept. 1610), 8311.

Ordered placed on the calendar, 8311.

Objected to, 8578.

Debated, 10015, 10019.

Amended and passed Senate, title amended, 10030.

Amended and passed House (in lieu of H.R. 8896), 10945.

Senate disagrees to House amendment and asks for a conference, 11024.

Conferees appointed, 11027

House insists on its amendment and agrees to a conference, 11285.

Conference appointed, 11285.

Conference report (No. 2552) submitted in House and agreed to, 12562.

Conference report submitted in Senate and agreed to, 12668.

Examined and signed, 13053, 13176.

Presented to the President, 13053.

Approved [Public Law 585], 15095.

H.R. 8896—Companion bill

Mr. Dawson; referred to Committee on Interior and Insular Affairs, 5606.

Reported with amendment (H. Rept. 2028), 9874.

Made special order (H. Res. 639), 10938.

Amended and passed House, 10941.

Proceedings vacated, laid on the table (S. 3344 passed in lieu), 10951.

APPENDIX 6

CROSS REFERENCE CHARTS—ATOMIC ENERGY ACTS OF 1946 AND 1954

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57	Prohibition. 5(a)(3) and 5(d).
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APPENDIX 7

LIST OF AMENDMENTS TO THE ATOMIC ENERGY ACTS, 1946-1978

- Public Law 585, 79th Congress (60 Stat. 755)—The Atomic Energy Act of 1946. Approved August 1, 1946.
- Public Law 898, 80th Congress (62 Stat. 1259)—To provide for the extension of the terms of office of the present members of the Atomic Energy Commission. Approved July 3, 1943.
- Public Law 14, 81st Congress (63 Stat. 11)—To retrocede to the State of New Mexico exclusive jurisdiction held by the United States over lands within the boundaries of the Los Alamos Project of the United States Atomic Energy Commission. Approved March 4, 1949.
- Public Law 347, 81st Congress (63 Stat. 762)—To amend the Atomic Energy Act of 1946 (providing for changes in the Military Liaison Committee). Approved October 11, 1949.
- Public Law 820, 81st Congress (64 Stat. 979)—To amend the Atomic Energy Act of 1946 (changing compensation to be received by members of the Atomic Energy Commission). Approved September 23, 1950.
- Public Law 235, 82d Congress (65 Stat. 692)—To amend the Atomic Energy Act of 1946, as amended (relating to the control of atomic information). Approved October 30, 1951.
- Public Law 298, 82d Congress (66 Stat. 44)—To provide for certain investigations by the Civil Service Commission in lieu of the Federal Bureau of Investigation, and for other purposes. Approved April 5, 1952.
- Public Law 137, 83d Congress (67 Stat. 181)—To amend the Atomic Energy Act of 1946, as amended (providing for entering into long-term contracts for electric-utility services). Approved July 17, 1953.
- Public Law 164, 83d Congress (67 Stat. 757)—To amend the Atomic Energy Act of 1946, as amended (relating to the control of information, FBI investigations, carrying of firearms, etc.). Approved July 31, 1953.
- Public Law 262, 83d Congress (67 Stat. 575)—To amend section 9(b) of the Atomic Energy Act of 1946 (relating to the exemption of activities of the Atomic Energy Act from State and local taxation). Approved August 13, 1953.
- Public Law 703, 83d Congress (68 Stat. 919)—Atomic Energy Act of 1954 (this act superseded the Atomic Energy Act of 1946). Approved August 30, 1954.
- Public Law 31, 84th Congress (69 Stat. 47)—Authorizes the Atomic Energy Commission to construct a principal office building in or near the District of Columbia from funds now available or to be appropriated. Approved May 6, 1955.
- Public Law 141, 84th Congress (69 Stat. 366)—To authorize appropriations for the AEC for the acquisition or condemnation of real property or any facility, or for plant or facility acquisition, construction, or expansion, and for other purposes. Approved July 11, 1955.
- Public Law 165, 84th Congress (69 Stat. 47)—The Atomic Weapons Rewards Act of 1955—To provide rewards for information concerning the illegal introduction into the United States, or the illegal manufacture or acquisition in the United States of special nuclear materials and atomic weapons. Approved July 15, 1955.
- Public Law 221, 84th Congress (69 Stat. 471)—The Atomic Energy Community Act of 1955 (facilitates the establishment of local self-government at the communities of Oak Ridge, Tenn., and Richland, Wash., and provides for the disposal of federally owned properties of such communities). Approved August 4, 1955.
- Public Law 337, 84th Congress (69 Stat. 630)—Authorizes the payment of the salary of a member of the Atomic Energy Commission who is appointed during the recess of Congress, and amends section 21 of the Atomic Energy Act of 1954 relating to the equal authority and responsibility of all AEC Commissioners. Approved August 9, 1955.

- Public Law 506, 84th Congress (60 Stat. 127)—To authorize appropriations for the Atomic Energy Commission for acquisition or condemnation of real property or any facilities, or for plant or facility acquisition, construction, or expansion, and for other purposes. Approved May 3, 1956.
- Public Law 722, 84th Congress (70 Stat. 553)—To amend the Atomic Energy Act of 1954, to permit the negotiation of commercial leases at atomic energy communities, and for other purposes. Approved July 14, 1956.
- Public Law 802, 84th Congress (70 Stat. 653)—To amend the Atomic Energy Community Act of 1955, and for other purposes. Approved July 25, 1956.
- Public Law 981, 84th Congress (70 Stat. 1035)—To amend Public Law 506, 84th Congress, 2d session, to increase the authorization for appropriations to the Atomic Energy Commission for acquisition or condemnation of real property, or any facilities, or for plant or facility acquisition, construction, or expansion, and for other purposes. Approved August 6, 1956.
- Public Law 1006, 84th Congress (70 Stat. 1069)—To amend the Atomic Energy Act of 1954, as amended, and for other purposes. Approved August 6, 1956.
- Public Law 85-14, 85th Congress (71 Stat. 11)—To amend the Atomic Energy Act of 1954, as amended, and for other purposes (providing that the President may authorize the Atomic Energy Commission to enter into an agreement with the Federal Republic of Germany on behalf of Berlin). Approved April 12, 1957.
- Public Law 85-79, 85th Congress (71 Stat. 274)—To amend the Atomic Energy Act of 1954, as amended, and for other purposes (amends section 261—Appropriations—To increase the authorization requirements for appropriations, etc.). Approved July 3, 1957.
- Public Law 85-162, 85th Congress (71 Stat. 403)—To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved August 21, 1957.
- Public Law 85-177, 85th Congress (71 Stat. 453)—To provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes. Approved August 28, 1957.
- Public Law 85-256, 85th Congress (71 Stat. 576)—To amend the Atomic Energy Act of 1954, as amended, and for other purposes (providing for a program of Government indemnification and limitation of liability and establishes an Advisory Committee on Reactor Safeguards). Approved September 2, 1957.
- Public Law 85-287, 85th Congress (71 Stat. 612)—To amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes. Approved September 4, 1957.
- Public Law 85-412, 85th Congress (72 Stat. 117)—To amend Public Law 85-162, to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved May 16, 1958.
- Public Law 85-479, 85th Congress (72 Stat. 276)—To amend the Atomic Energy Act of 1954, as amended, to provide for greater exchange of military information and material with allies. Approved July 2, 1958.
- Public Law 85-519, 85th Congress (72 Stat. 358)—To further amend Public Law 85-162, to increase authorization for appropriation for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved July 15, 1958.
- Public Law 85-590, 85th Congress (72 Stat. 490)—To authorize appropriations for the Atomic Energy Commission for fiscal year 1959 in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved August 4, 1958.
- Public Law 85-602, 85th Congress (72 Stat. 525)—To amend the Atomic Energy Act of 1954, as amended, with respect to indemnity agreements for the NS *Savannah*. Approved August 8, 1958.
- Public Law 85-681, 85th Congress (72 Stat. 632)—To amend the Atomic Energy Act of 1954, as amended, for various purposes (AEC omnibus bill). Approved August 19, 1958.
- Public Law 85-744, 85th Congress (72 Stat. 837)—To amend the Atomic Energy Act of 1954, as amended with respect to indemnity agreements for nonprofit educational institutions. Approved August 23, 1958.

- Public Law 85-846, 85th Congress (72 Stat. 1084)—To provide for cooperation with the European Atomic Energy Community. Approved August 28, 1958.
- Senate Concurrent Resolution 116, 85th Congress, to approve agreements between the Government of the United States of America and the European Atomic Energy Community (Euratom) signed at Brussels on May 29, 1958, and at Washington on June 19, 1958, concerning cooperation for the advancement of the peaceful application of atomic energy. Passed both Houses of Congress August 20, 1958.
- Public Law 86-43, 86th Congress (73 Stat. 73)—To amend section 251 of the Atomic Energy Act of 1954, as amended, to provide for the submission by the Atomic Energy Commission of an annual rather than a semiannual report to Congress. Report to be submitted in January of each year. Approved June 11, 1959.
- Public Law 86-44, 86th Congress (73 Stat. 73)—To amend Public Law 85-590 to increase the authorization for appropriations to the Atomic Energy Commission for project 59-c-5, phermex installation, Los Alamos. Approved June 11, 1959.
- Public Law 86-50, 86th Congress (73 Stat. 81)—To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Authorization Act for fiscal year 1960). Approved June 23, 1959.
- Public Law 86-300, 86th Congress (73 Stat. 574)—To amend subsection 161m of the Atomic Energy Act of 1954, as amended with respect to agreements for the reprocessing of irradiated fuel elements, and section 163 of the Atomic Energy Act of 1954, as amended with respect to Atomic Energy Commission advisory committees. Approved September 21, 1959.
- Public Law 86-373, 86th Congress (73 Stat. 688)—To amend the Atomic Energy Act of 1954, as amended, by adding a new section 274 with respect to Cooperation with States. Approved September 23, 1959.
- Public Law 86-457, 86th Congress (74 Stat. 120)—To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended. Approved May 13, 1960.
- Public Law 87-52, 87th Congress (75 Stat. 94)—To authorize construction of community support facilities at Los Alamos County, N. Mex. Approved June 16, 1961.
- Public Law 87-174, 87th Congress (75 Stat. 409)—To amend section 53 c. of the Atomic Energy Community Act of 1958. Approved August 30, 1961.
- Public Law 87-206, 87th Congress (75 Stat. 475)—To amend various sections of the Atomic Energy Act of 1954, as amended, and the Euratom Cooperation Act of 1958, and for other purposes. Approved September 6, 1961.
- Public Law 87-315, 87th Congress (75 Stat. 676)—To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved September 26, 1961.
- Public Law 87-363, 87th Congress (75 Stat. 782)—To waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective. Approved October 4, 1961.
- Public Law 87-615, 87th Congress (76 Stat. 409)—To amend the Atomic Energy Act of 1954, as amended, and for other purposes. Approved August 29, 1962.
- Public Law 87-701, 87th Congress (76 Stat. 599)—To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved September 26, 1962.
- Public Law 87-719, 87th Congress (76 Stat. 664)—To amend the Atomic Energy Community Act of 1955, as amended, to provide for the disposal of federally owned properties at Los Alamos, N. Mex., and for other purposes. Approved September 28, 1962.
- Public Law 88-72, 88th Congress (77 Stat. 84)—To authorize appropriations for The Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved July 22, 1963.
- Public Law 88-189, 88th Congress (77 Stat. 343)—To amend Public Law 88-72 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved November 29, 1963.

- Public Law 88-294, 88th Congress (78 Stat. 172)—To amend the Atomic Energy Act of 1954 (amends section 202). Approved March 26, 1964.
- Public Law 88-332, 88th Congress (78 Stat. 227)—To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved June 30, 1964.
- Public Law 88-394, 88th Congress (78 Stat. 376)—To amend the Atomic Energy Act of 1954, as amended, the Atomic Energy Community Act of 1955, as amended, and the EURATOM Cooperation Act of 1958, as amended (AEC omnibus bill). Approved August 1, 1964.
- Public Law 88-489, 88th Congress (78 Stat. 602)—To amend the Atomic Energy Act of 1954, as amended, and for other purposes (Private Ownership of Special Nuclear Materials Act). Approved August 26, 1964.
- Public Law 89-32, 89th Congress (79 Stat. 129)—To authorize appropriations to the Atomic Energy Commission in accordance with Section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved June 2, 1965.
- Public Law 89-135, 89th Congress (79 Stat. 551)—To amend section 271 of the Atomic Energy Act of 1954, as amended. Approved August 24, 1965.
- Public Law 89-210, 89th Congress (79 Stat. 855)—To amend section 170 of the Atomic Energy Act of 1954, as amended. Approved September 29, 1965.
- Public Law 89-428, 89th Congress (89 Stat. 162)—To authorize appropriations to the Atomic Energy Commission in accordance with Section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved May 21, 1966.
- Public Law 89-645, 89th Congress (80 Stat. 891)—To amend section 170 of the Atomic Energy Act of 1954, as amended. Approved October 13, 1966.
- Public Law 89-648, 89th Congress (80 Stat. 895)—To amend Public Law 89-428 to authorize the Atomic Energy Commission to enter into a cooperative arrangement for a large-scale combination nuclear power-desalting project. Approved October 13, 1966.
- Public Law 90-56, 90th Congress (81 Stat. 124)—To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved July 26, 1967.
- Public Law 90-190, 90th Congress (81 Stat. 575)—To amend the Atomic Energy Community Act of 1955, as amended, the Atomic Energy Act of 1954, as amended, and the EURATOM Cooperation Act of 1958, as amended. Approved December 14, 1967.
- Public Law 90-289, 90th Congress (82 Stat. 96)—To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved April 19, 1968.
- Public Law 91-44, 91st Congress (83 Stat. 46)—To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved July 11, 1969.
- Public Law 91-161, 91st Congress (83 Stat. 444)—To amend sections 153h, 221c, 222, 223, 224, 225, 226, and add section 234 to the Atomic Energy Act of 1954, as amended. Approved December 24, 1969.
- Public Law 91-273, 91st Congress (84 Stat. 299)—To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved June 2, 1970.
- Public Law 91-560, 91st Congress (84 Stat. 1472)—To amend the Atomic Energy Act of 1954, as amended (secs. 31, 56, 196, 103, 104, 105, 161, 182, 191, and 274) to eliminate the requirement for a finding of practical value and for other purposes. Approved December 19, 1970.
- Public Law 91-580, 91st Congress (84 Stat. 1565)—To amend Public Law 91-273 to increase authorization of appropriations for fiscal year 1971. Approved December 24, 1970.
- Public Law 92-84, 92d Congress (85 Stat. 304)—To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved August 11, 1971.

- Public Law 92-307, 92d Congress (86 Stat. 191)—To authorize the AEC to issue temporary operating licenses for nuclear power reactors under certain circumstances. Approved June 2, 1972.
- Public Law 92-314, 9d Congress (86 Stat. 222)—To authorize appropriations to the Atomic Energy Commission in accordance with section 61 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved June 16, 1972.
- Public Law 93-60, 93d Congress (77 Stat. 88)—To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved July 6, 1973.
- Public Law 93-88, 93d Congress (81 Stat. 578)—To amend the Euratom Cooperation Act of 1958, as amended. Approved August 14, 1973.
- Public Law 93-158, 93d Congress (87 Stat. 627)—To amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved November 26, 1973.
- Public Law 93-276, 93d Congress (88 Stat. 115)—To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved May 10, 1974.
- Public Law 93-377, 93d Congress (88 Stat. 472)—To amend the Atomic Energy Act of 1954, as amended, and the Atomic Weapons Rewards Act of 1955, and for other purposes. Approved August 17, 1974.
- Public Law 93-485, 93d Congress (88 Stat. 1460)—To amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology. Approved October 26, 1974.
- Public Law 93-513, 93d Congress (88 Stat. 1610)—Assuring compensation for damages caused by nuclear incidents involving the nuclear reactor of a United States Warship. Approved December 6, 1974.
- Public Law 93-514, 93d Congress (88 Stat. 1611)—To provide available nuclear information to committees and Members of Congress. Approved December 6, 1974.
- Public Law 93-576, 93d Congress (88 Stat. 1878)—To amend Public Law 93-276 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Approved December 31, 1974.
- Public Law 93-616, 93d Congress (88 Stat. 1977)—To designate a national laboratory as the "Holifield National Laboratory". Approved January 2, 1975.
- Public Law 94-18, 94th Congress (89 Stat. 80)—To authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975.
- Public Law 94-79, 94th Congress (89 Stat. 413)—To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, and for other purposes.
- Public Law 94-187, 94th Congress (89 Stat. 1063)—To authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.
- Public Law 94-197, 94th Congress, (89 Stat. 1111)—To amend the Atomic Energy Act of 1954, as amended, to provide for the phaseout of governmental indemnity as a source of funds for public remuneration in the event of a nuclear incident, and for other purposes.
- Public Law 94-269, 94th Congress (90 Stat. 371)—To amend Public Law 94-187 to increase the authorization for appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.
- Public Law 94-291, 94th Congress (90 Stat. 523)—To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.
- Public Law 94-473, 94th Congress (90 Stat. 2065)—Joint resolution making continuing appropriations for the fiscal year 1977, and for other purposes.

- Public Law 95-26, 95th Congress (91 Stat. 61)—To make supplemental appropriations for the fiscal year ending September 31, 1977, and for other purposes.
- Public Law 95-91, 95th Congress (91 Stat. 565)—To establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes.
- Public Law 95-96, 95th Congress (91 Stat. 797)—To make appropriations for public works, for water and power development, and energy research for the fiscal year ending September 30, 1978, and for other purposes.
- Public Law 95-110, 95th Congress (91 Stat. 884)—To abolish the Joint Committee on Atomic Energy and to reassign certain functions and authorities thereof, and for other purposes.
- Public Law 95-209, 95th Congress (91 Stat. 1481)—To authorize appropriations for the Nuclear Regulatory Commission for the fiscal year 1978, and for other purposes.
- Public Law 95-238, 95th Congress (92 Stat. 47)—To authorize appropriations to the Department of Energy, for energy research, development, and demonstration, and related programs in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.
- Public Law 95-242, 95th Congress (92 Stat. 120)—To provide for more efficient and effective control over the proliferation of nuclear explosive capability.
- Public Law 95-601, 95th Congress (92 Stat. 2947)—To authorize appropriations to the Nuclear Regulatory Commission for fiscal year 1979, and for other purposes.
- Public Law 95-604, 95th Congress (92 Stat. 3021)—To authorize the Secretary of Energy to enter into cooperative agreements with certain States respecting residual radioactive material at existing sites, to provide for the regulation of uranium mill tailings under the Atomic Energy Act of 1954, and for other purposes.

APPENDIX 8

EXECUTIVE ORDER 9816

PROVIDING FOR THE TRANSFER OF PROPERTIES AND PERSONNEL TO THE ATOMIC ENERGY COMMISSION

By virtue of the authority vested in me by the Constitution and the statutes, including the Atomic Energy Act of 1946, and as President of the United States and Commander in Chief of the Army and the Navy, it is hereby ordered and directed as follows:

1. There are transferred to the Atomic Energy Commission all interests owned by the United States or any Government agency in the following property:

(a) All fissionable material; all atomic weapons and parts thereof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy; all processes and technical information of any kind, and the source thereof (including data, drawings, specifications, patents, patent applications, and other sources) relating to the processing, production, or utilization of fissionable material or atomic energy; and all contracts, agreements, leases, patents, applications for patents, inventions and discoveries (whether patented or unpatented), and other rights of any kind concerning any such items.

(b) All facilities, equipment, and materials, devoted primarily to atomic energy research and development.

2. There also are transferred to the Atomic Energy Commission all property, real or personal, tangible or intangible, including records, owned by or in the possession, custody or control of the Manhattan Engineer District, War Department, in addition to the property described in paragraph 1 above. Specific items of such property, including records may be excepted from transfer to the Commission in the following manner:

(a) The Secretary of War shall notify the Commission in writing as to the specific items of property or records he wishes to except; and

(b) If after full examination of the facts by the Commission, it concurs in the exception, those specific items of property or records shall be excepted from transfer to the Commission; or

(c) If after full examination of the facts by the Commission, it does not concur in the exception, the matter shall be referred to the President for decision.

3. The Atomic Energy Commission shall exercise full jurisdiction over all interests and property transferred to the Commission in paragraphs 1 and 2 above, in accordance with the provisions of the Atomic Energy Act of 1946.

4. Any Government agency is authorized to transfer to the Atomic Energy Commission, at the request of the Commission, any property, real or personal, tangible or intangible, acquired or used by such Government agency in connection with any of the property or interests transferred to the Commission by paragraphs 1 and 2 above.

5. Each Government agency shall supply the Atomic Energy Commission with a report on, and an accounting and inventory of, all interests and property, described in paragraphs 1, 2 and 4 above, owned by or in the possession, custody, or control of such Government agency, the form and detail of such report, accounting and inventory, to be determined by mutual agreement, or, in case of nonagreement, by the Director of the Bureau of the Budget.

6. (a) There also are transferred to the Atomic Energy Commission, all civilian officers and employees of the Manhattan Engineer District, War Department, except that the Commission and the Secretary of War may by mutual agreement exclude any of such personnel from transfer to the Commission.

(b) The military and naval personnel heretofore assigned or detailed to the Manhattan Engineer District, War Department, shall continue to be made available to the Commission, for military and naval duty, in similar manner, without prejudice to the military or naval status of such personnel, for such periods of time as may be agreed mutually by the Commission and the Secretary of War or the Secretary of the Navy.

7. The assistance and the services, personal or other, including the use of property, heretofore made available by any Government agency to the Manhattan Engineer District, War Department, shall be made available to the Atomic Energy Commission for the same purposes as heretofore and under the arrangements now existing until terminated after 30 days notice given by the Commission or by the Government agency concerned in each case.

8. The Commission is authorized to exercise all of the powers and functions vested in the Secretary of War by Executive Order No. 9001, of December 27, 1941, as amended, in so far as they relate to contracts heretofore made by or hereby transferred to the Commission.

9. Such further measures and dispositions as may be determined by the Atomic Energy Commission and any Government agency concerned to be necessary to effectuate the transfers authorized or directed by this order shall be carried out in such manner as the Director of the Bureau of the Budget may direct and by such agencies as he may designate.

10. This order shall be effective as of midnight, December 31, 1946.

HARRY S. TRUMAN.

THE WHITE HOUSE,
December 31, 1946.

[F.R. Doc. 46-22112; Filed, Dec. 31, 1946; 5:05 p.m.]

APPENDIX 9

NRC APPROPRIATIONS

APPROPRIATIONS FOR THE ATOMIC ENERGY PROGRAM (FISCAL YEAR
1976 ON)

(89 STAT. 173)

[PUBLIC LAW 94-32]

[H.R. 5899]

[JUNE 12, 1975]

AN ACT Making supplemental appropriations for the fiscal year
ending June 30, 1975, and for other purposes

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled, That the
following sums are appropriated, out of any money in the Treasury
not otherwise appropriated, to supply supplemental appropriations
(this Act may be cited as the "Second Supplemental Appropria-
tions Act, 1975") for the fiscal year ending June 30, 1975, and for
the other purposes, namely:*

Second
Supplemental
Appropriations
Act, 1975.

TITLE I

* * * * *

CHAPTER VIII

* * * * *

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Regulatory Commission
as authorized by law, including services as authorized by 5 U.S.C.
3109, \$44,400,000, to remain available until expended.

* * * * *

TITLE II

INCREASED PAY COSTS

For additional amounts for appropriations for the fiscal year
1975, for increased pay costs authorized by or pursuant to law, as
follows:

* * * * *

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

"Operating expenses", \$5,681,000, to remain available until ex-
pended;

* * * * *

NUCLEAR REGULATORY COMMISSION

"Salaries and expenses", \$1,540,000, to remain available until expended;

* * * *

TITLE III

GENERAL PROVISIONS

Fiscal year
limitation.

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1975, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

GSA, space
and services.

SEC. 303. No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210 (j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.
Busing.

SEC. 304. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment to any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Busing.

SEC. 305. (a) No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

42 U.S.C. 2000c.

School trans-
portation
funds.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school system.

U.S. Postal
Service, re-
imbursement.

SEC. 306. Unobligated balances of operation and maintenance appropriations available to the Department of Defense—Military, in an amount not to exceed \$18,950,000 in fiscal year 1973 and \$23,891,000 in fiscal year 1974, shall be available to reimburse the United States Postal Service for service rendered to the Department of Defense during those fiscal years.

(89 STAT. 1035)

[PUBLIC LAW 94-180]

[H.R. 8122]

[DECEMBER 26, 1975]

AN ACT Making appropriations for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions, and for other purposes, namely :

Public Works
for Water
and Power
Development
and Energy
Research
Appropriation
Act, 1976.

* * * * *

TITLE IV—INDEPENDENT OFFICES

* * * * *

NUCLEAR REGULATORY COMMISSION

42 U.S.C. 5801
note.

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$7,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$215,423,000: *Provided*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

For "Salaries and expenses" in accordance with the above provisions for the period July 1, 1976, through September 30, 1976, \$51,425,000.

* * * * *

TITLE V—GENERAL PROVISIONS

* * * * *

Fiscal year
limitation.

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided by section 204 of Public Law 93-554.

Space and
service
charges.

40 U.S.C. 490.
Short title.

SEC. 502. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

This Act may be cited as the "Public Works for Water and Power Development and Energy Research Appropriation Act, 1976".

(90 Stat. 889)

[PUBLIC LAW 94-355]

[H.R. 14236]

[JULY 12, 1976]

AN ACT

Making appropriations for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions for the fiscal year ending September 30, 1977, and for other purposes.

Public Works
for Water and
Power Develop-
ment and
Energy Re-
search Approp-
riation Act,
1977.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1977, for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions, and for other purposes, namely:

* * * * *

TITLE IV—INDEPENDENT OFFICES

* * * * *

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

42 U.S.C. 5801
note.

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$10,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$244,430,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, Moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

* * * * *

TITLE V—GENERAL PROVISION

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein. **Fiscal year limitation.**

This Act may be cited as the "Public Works for Water and Power Development and Energy Research Appropriation Act, 1977". **Short title.**

(91 Stat. 112)

[PUBLIC LAW 95-26]

[H.R. 4877]

Making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes.

* * * * *

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1977

For additional amounts for appropriation for the fiscal year 1977, for increased pay costs authorized by or pursuant to law, as follows:

* * * * *

NUCLEAR REGULATORY COMMISSION

"Salaries and expenses", \$4,350,000, to remain available until expended;

(91 Stat. 807)

[PUBLIC LAW 95-96]

[H.R. 7553]

Making appropriations for public works for water and power development and energy research for the fiscal year ending September 30, 1978, and for other purposes.

* * * * *

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$10,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$281,423,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

42 U.S.C. 5801
note.

* * * * *

TITLE V—GENERAL PROVISIONS

Fiscal year
limitation.

Short title.

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Public Works for Water and Power Development and Energy Research Appropriation Act, 1978".

Approved August 7, 1977.

(92 Stat. 1603)

[PUBLIC LAW 95-1139]

[H.J. RES. 1139]

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1979, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1979.

* * * * *

SEC. 101. (b) Such amounts as may be necessary, notwithstanding any other provision of this joint resolution, for the fiscal year ending September 30, 1979, for programs, projects, and activities to the extent and in the manner provided for in the Energy and Water Development Appropriation Act, 1979 (H.R. 12928) as enacted by the Congress.¹

* * * * *

Approved October 18, 1978.

"NUCLEAR REGULATORY COMMISSION

"SALARIES AND EXPENSES.—For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, including the employment of aliens; services authorized by 5 U.S.C. 2109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$15,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$322,301,000, to remain available until expended; *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended."

¹ NRC's appropriation (provided for in H.R. 12928) as enacted by Congress is as follows:

TABULATION OF NUCLEAR REGULATORY COMMISSION APPROPRIATIONS, BY FISCAL YEAR

Appropriation	Amount requested	Date of request	Amount allowed by House	Amount allowed by Senate	Amount appropriated	Difference between request and appropriation (percent)	Date enacted	Public Law
Fiscal year 1976: Regular appropriation-----	\$219,935,000	Feb. 3, 1975	\$202,500,000	\$215,423,000	\$215,423,000	-2.1	Dec. 26, 1975	94-180
Fiscal year 1977: Regular appropriation-----	249,430,000	Jan. 21, 1976	244,430,000	244,430,000	244,430,000	-2.0	July 12, 1976	94-315
Fiscal year 1978: Regular appropriation-----	292,150,000	Jan. 17, 1977	277,695,000	285,150,000	281,423,000	-3.7	Aug. 7, 1977	95-96
Fiscal year 1979: Regular appropriation-----	330,670,000	Jan. 23, 1978	321,487,000	328,287,000	322,301,000	-2.5	Oct. 18, 1978	95-482

APPENDIX 10

AEC APPROPRIATIONS

APPROPRIATIONS FOR THE ATOMIC ENERGY PROGRAM (FISCAL YEARS 1947-75)

No references to atomic energy will be found in any appropriation bills prior to the passage on July 16, 1946, of the Military Appropriation Act for fiscal year 1947. For security reasons, funds for the atomic bomb project were concealed in appropriations for other purposes.

Appropriated funds disbursed for the atomic energy project before the Atomic Energy Commission began operation under the provisions of the Atomic Energy Act of 1946 are shown in the following tabulation which appeared in the Eleventh Semiannual Report of the Atomic Energy Commission to the Congress of the United States, January 30, 1952. The figures given include not only funds disbursed directly by the Manhattan Engineer District but also relatively small amounts that may have been disbursed by other units in the War Department or by other agencies by fund transfers by the War Department.

Appropriated funds disbursed, net of reimbursements:

National Defense Research Council.....	¹ \$468, 000
Office of Scientific Research and Development.....	¹ 14, 624, 810
War Department (Manhattan Engineer District): ²	
Fiscal year 1943.....	\$77, 098, 355
Fiscal year 1944.....	730, 321, 470
Fiscal year 1945.....	858, 571, 646
Fiscal year 1946.....	366, 355, 447
Fiscal year 1947 (part).....	186, 337, 067
	2, 218, 683, 985

¹ Based on published reports.

² The Manhattan Engineer District was established on Aug. 13, 1942.

The funds disbursed by the National Defense Research Council and the Office of Scientific Research and Development came principally from direct appropriations to those agencies and from allocations from the President's emergency funds, part of which were authorized for "objects of a confidential nature."

Disbursements by the War Department were made principally from War Department—Military establishment appropriations under the following headings:

"Expediting production of equipment and supplies for national defense, 1940-46"

"Engineer service, Army, 1942-46"

"Atomic service, War Department, 1947-48"

The appropriations cited in the table below authorized funds for a variety of purposes other than the atomic bomb program. No attempt has been made to separate the portions of the funds which were intended exclusively for the purposes of the atomic bomb program.

APPROPRIATIONS UNDER THE TITLE "EXPEDITING PRODUCTION OF EQUIPMENT AND SUPPLIES FOR NATIONAL DEFENSE, 1940-46," IN WAR DEPARTMENT APPROPRIATIONS

Appropriation	Date approved	Citation	Other references
1941:			
First Supplemental National Defense Appropriation Act, 1941 (title II, Military Appropriation Act, 1941).	June 26, 1940	54 Stat. 602, 603.	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Dept. Document No. 3108, pp. 671-672.
Second Supplemental National Defense Appropriation Act, 1941 (title III, Military Appropriation Act, 1941).	Sept. 9, 1940	54 Stat. 874.....	
Third Supplemental National Defense Appropriation Act, 1941 (title IV, Military Appropriation Act, 1941).	Oct. 8, 1940	54 Stat. 970.....	
1942:			
Military Appropriation Act, 1942.....	June 30, 1941	55 Stat. 356.....	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Dept. Document No. 3115, pp. 589, 590.
Fifth Supplemental National Defense Appropriation Act, 1941 (title VI, Military Appropriation Act, 1941).	Apr. 5, 1941	55 Stat. 124.....	
1943:			
Third Supplemental National Defense Appropriation Act, 1942 (title III, Military Appropriation Act, 1942).	Dec. 17, 1941	55 Stat. 810.....	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Dept. Document No. 3120, p. 706.
Fourth Supplemental National Defense Appropriation Act, 1942 (title IV, Military Appropriation Act, 1942).	Jan. 30, 1942	56 Stat. 38.....	
Fifth Supplemental National Defense Appropriation Act, 1942 (title V, Military Appropriation Act, 1942).	Mar. 5, 1942	56 Stat. 128.....	

APPROPRIATIONS UNDER THE TITLE "EXPEDITING PRODUCTION OF EQUIPMENT AND SUPPLIES FOR NATIONAL DEFENSE, 1940-46," IN WAR DEPARTMENT APPROPRIATIONS—Continued

Appropriation	Date approved	Citation	Other references
1944: Military Appropriation Act, 1944.....	July 1, 1943	57 Stat. 347.....	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Dept. Document No. 3126, p. 536.
1945: Military Appropriation Act, 1945.....	June 28, 1944	58 Stat. 573.....	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Dept. Document No. 3131, p. 642.
1946: Military Appropriation Act, 1946.....	July 3, 1945	59 Stat. 384.....	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3138, p. 655.
1947: First Supplemental Surplus Appropriation Rescission Act, 1946.	Feb. 18, 1946	60 Stat. 13.....	(See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3144, pp. 925-926.)
Second Supplemental Surplus Appropriation Rescission Act, 1946.	May 27, 1946	60 Stat. 223.....	

APPROPRIATIONS UNDER THE TITLE "ENGINEER SERVICE, ARMY, 1942-46," AND GENERAL PROVISIONS OF WAR DEPARTMENT APPROPRIATIONS—MILITARY ESTABLISHMENT

Appropriation	Date approved	Citation	Other references
1943: Sixth Supplemental National Defense Appropriation Act, 1942 (title VI, Military Appropriation Act, 1942) (Engineer service, Army).	Apr. 28, 1942	56 Stat. 228.....	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3120, pp. 736, 737.
Military Appropriation Act, 1943 (including "General provisions," secs. 18 and 19 of this act, 56 Stat. 630-633).	July 2, 1942	56 Stat. 611-	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3120, pp. 703, 761.
1944: Military Appropriation Act, 1944 (including "General provisions," sec. 19 of this act, 57 Stat. 366-370).	July 1, 1943	57 Stat. 347-370.	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3126, pp. 534, 573.
Military Appropriation Act, 1944 (Engineer service, Army).	do.....	57 Stat. 358, 359.	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3126, pp. 560-561.
1945: Military Appropriation Act, 1945 (including "General provisions," sec. 19 of this act, 58 Stat. 592-597).	June 28, 1944	58 Stat. 573-597.	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3131, p. 640, 678.
Military Appropriation Act, 1945 (Engineer service, Army).	do.....	58 Stat. 584-586.	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3131, pp. 665-666.
1946: Military Appropriation Act, 1946 (including "General provisions," sec. 18 of this act, 59 Stat. 403-407).	July 3, 1945	59 Stat. 384-407.	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3138, pp. 653, 695.
Military Appropriation Act, 1946 (Engineer service, Army).	do.....	59 Stat. 395, 396.	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3138, pp. 683-684.

APPROPRIATIONS UNDER THE TITLE "ATOMIC SERVICE, WAR DEPARTMENT, 1947 AND 1948," OF WAR DEPARTMENT APPROPRIATIONS—MILITARY ESTABLISHMENT

Appropriation	Date approved	Citation	Other references
1947: Military Appropriation Act, 1947.....	July 16, 1946	60 Stat. 560....	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department, Document No. 3144, p. 971.
First Supplemental Appropriation Act, 1947.	Aug. 8, 1946	60 Stat. 916....	See also Digest of Appropriations for the Support of the Government of the United States, Treasury Department Document No. 3144, p. 972.

TABULATION OF ATOMIC ENERGY COMMISSION APPROPRIATIONS, BY FISCAL YEARS, 1947-75

[Figures in parentheses indicate amounts for contract authority. Figures in brackets show breakdown of a particular appropriation. Amounts in brackets and parentheses are not included in final totals for amount requested and amount appropriated]

Appropriation	Amount requested	Date of request	Amount allowed by House	Amount allowed by Senate	Amount appropriated	Difference between request and appropriation (percent)	Date enacted	Public Law No. 1
Fiscal year 1947:	2 \$608, 468, 565				2 \$608, 468, 565	0		663 (79) 20 (80)
Fiscal year 1948:								
Independent Offices Appropriation Act, 1948:								
Cash								
Contract authority	250,000,000	Jan. 3, 1947	\$175,000,000	\$175,000,000	175,000,000	-15	(July 30, 1947)	269 (80)
First Deficiency Appropriation Act, 1948:	(250,000,000)	do	(250,000,000)	(250,000,000)	(250,000,000)		do	
Contract authority	3 (200,000,000)	Jan. 22, 1948	(150,000,000)	(150,000,000)	(150,000,000)	3 -25	May 10, 1948	519 (80)
Fiscal year 1949:								
The Supplemental Independent Office:								
Appropriations Act, 1949:								
Cash	4 625,000,000	Jan. 6, 1948	501,850,000	521,850,000	511,850,000	4 -11	(June 30, 1948)	862 (80)
(Cash to liquidate included in appropriation)	325,000,000				250,000,000		do	
Contract authority	(400,000,000)	do	(400,000,000)	(400,000,000)	(400,000,000)			
2d Deficiency Appropriation Act, 1949: Cash to liquidate	110,000,000	Mar. 2, 1949	110,000,000	110,000,000	110,000,000	0	June 23, 1949	119 (81)
Fiscal year 1950:								
Independent Offices Appropriation Act, 1950:								
Cash	740,000,000	Jan. 3, 1949	702,930,769	702,930,769	702,930,769	-7	(Aug. 24, 1949)	266 (81)
(Cash to liquidate included in appropriation)	375,000,000				375,000,000		do	
Contract authority	(427,000,000)	do	(387,189,623)	(387,189,623)	(387,189,623)			422 (81)
Urgent Deficiency Appropriation Act, 1950:	(87,650,000)	Jan. 25, 1950	(78,885,000)	(78,885,000)	(78,885,000)	-10	Mar. 27, 1950	468 (81)
Contract authority								
Fiscal year 1951:								
General Appropriation Act, 1951:								
Cash	2 726,100,000	Jan. 3, 1950	647,820,000	647,820,000	647,820,000	4 -10	(Sept. 6, 1950)	759 (81)
(Cash to liquidate included in appropriation)	460,000,000				414,000,000		do	
Contract authority	(333,500,000)	do	(300,150,000)	(300,150,000)	(300,150,000)	0	Sept. 27, 1950	843 (81)
Supplemental Appropriation Act, 1951: Cash	260,000,000	July 7, 1950	260,000,000	260,000,000	260,000,000			
2d Supplemental Appropriation Act, 1951:								
Cash	1,050,000,000	Dec. 1, 1950	840,000,000	1,080,000,000	1,065,000,000	+1	Jan. 6, 1951	911 (81)
4th Supplemental Appropriation Act, 1951:								
Cash	51,300,000	Mar. 31, 1951	46,800,000	459,323,000	59,323,000	+15	May 31, 1951	43 (82)
Fiscal year 1952:								
Independent Offices Appropriation Act, 1952:								
Cash	1,210,000,000	Jan. 15, 1951	1,139,932,750	1,168,932,750	1,139,932,750	-6	(Aug. 31, 1951)	137 (82)
(Cash to liquidate included in appropriation)	(340,000,000)				340,000,000		do	
Supplemental appropriation: Cash	273,000,000	July 31, 1951	260,000,000	271,928,655	265,965,000	-3	Nov. 1, 1951	253 (82)
2d Supplemental Appropriation Act, 1952: Cash	7 484,240,000	Sept. 15, 1951	200,000,000	200,000,000	200,000,000	-59	do	254 (82)

Fiscal year 1953:

Regular appropriation.....	1, 312, 000, 000	Jan. 21, 1952
Operating expenses.....	(708, 986, 500)	
Plant and equipment.....	(371, 741, 000)	
Liquidation of contract authority.....	(57, 000, 000)	
Supplemental Appropriation Act, 1953.....	3, 191, 000, 000	May 28, 1952
Operating expenses.....	(172, 400, 000)	
	[3, 018, 600, 000]	

Fiscal year 1954:

Regular appropriation.....	1, 592, 789, 000	Jan. 9, 1953
Operating expenses.....	(1, 156, 418, 000)	
Plant and equipment.....	(436, 371, 000)	
	[166, 000, 000]	

Fiscal year 1955:

Regular appropriation.....	1, 365, 900, 000	Jan. 21, 1954
Operating expenses.....	(1, 236, 500, 000)	
Plant and equipment.....	(129, 400, 000)	
	[96, 498, 000]	

Fiscal year 1956:

Regular appropriation.....	1, 415, 600, 000	
Operating expenses.....	(1, 120, 900, 000)	Jan. 17, 1955
Plant and equipment.....	(294, 700, 000)	Jan. 29, 1955
	[166, 477, 000]	

Fiscal year 1957:

Regular appropriations.....	1, 816, 200, 000	
Operating expenses.....	(1, 672, 000, 000)	Jan. 16, 1956
Plant acquisition and construction.....	(144, 200, 000)	May 4, 1956
	[158, 300, 000]	

Fiscal year 1958:

Regular appropriation.....	2, 491, 625, 000	
Operating expenses.....	(2, 377, 000, 000)	Jan. 16, 1957
Plant acquisition and construction.....	(114, 625, 000)	Aug. 21, 1957
	[103, 162, 500]	

Fiscal year 1959:

Regular appropriation.....	2, 492, 000, 000	
Operating expenses.....	(2, 288, 000, 000)	Jan. 13, 1958
Plant acquisition and construction.....	(204, 000, 000)	May 28, 1958
	[229, 429, 000]	

Fiscal year 1960:

Regular appropriation.....	2, 604, 000, 000	
Operating expenses.....	(2, 502, 000, 000)	Jan. 19, 1959
Plant acquisition and construction.....	(102, 000, 000)	do.
	[255, 000, 000]	

Fiscal year 1961:

Regular appropriation.....	2, 642, 800, 000	
Operating expenses.....	(2, 427, 300, 000)	Jan. 18, 1960
Plant acquisition and construction.....	(215, 500, 000)	do.
	[208, 500, 000]	

Fiscal year 1962:

Regular appropriation.....	2, 598, 050, 000	
Operating expenses.....	(2, 423, 100, 000)	Jan. 16, 1961
Plant acquisition and construction.....	(174, 950, 000)	do.
	[205, 960, 000]	

Fiscal year 1963:

Regular appropriation.....	2, 986, 833, 000	
Operating expenses.....	(2, 700, 788, 000)	Jan. 18, 1962
Plant acquisition and construction.....	(286, 045, 000)	do.
	[261, 845, 000]	

Fiscal year 1964:

Regular appropriation.....	2, 893, 000, 000	
Operating expenses.....	(2, 472, 800, 000)	Jan. 17, 1963
Plant and capital equipment.....	(420, 200, 000)	do.
	[380, 000, 000]	

See footnotes at end of table.

	1, 137, 727, 500	+13	1, 137, 727, 500	July 5, 1952	455 (82)
	(708, 986, 500)		(708, 986, 500)	do.	
	(371, 741, 000)		(371, 741, 000)	do.	
	(57, 000, 000)		(57, 000, 000)	do.	
	2, 986, 894, 000	-6	2, 986, 894, 000	July 15, 1952	547 (82)
	[88, 094, 000]		[88, 094, 000]		
	[2, 898, 800, 000]		[2, 898, 800, 000]		
	1, 057, 781, 000	-34	1, 057, 781, 000	July 27, 1953	149 (83)
	(891, 781, 000)		(891, 781, 000)		
	[166, 000, 000]		[166, 000, 000]		
	1, 209, 844, 700	-11	1, 209, 844, 700	June 24, 1954	428 (83)
	(1, 098, 962, 300)		(1, 098, 962, 300)		
	[110, 882, 400]		[110, 882, 400]		
	834, 227, 000	-41	834, 227, 000		
	(575, 000, 000)		(575, 000, 000)	July 15, 1955	163 (84)
	[259, 227, 000]		[259, 227, 000]	Aug. 4, 1955	219 (84)
	1, 898, 700, 000	+4	1, 898, 700, 000	July 31, 1956	855 (84)
	(1, 740, 400, 000)		(1, 740, 400, 000)	do.	
	[158, 300, 000]		[158, 300, 000]		
	2, 323, 632, 500	-7	2, 323, 632, 500	Aug. 28, 1957	175 (85)
	(2, 215, 470, 000)		(2, 215, 470, 000)	do.	
	[108, 162, 500]		[108, 162, 500]		
	2, 647, 335, 000	+6	2, 647, 335, 000	Aug. 27, 1958	766 (85)
	(2, 397, 406, 000)		(2, 397, 406, 000)	do.	
	[249, 929, 000]		[249, 929, 000]		
	2, 651, 614, 000	+2	2, 651, 614, 000	Aug. 18, 1959	164 (86)
	(2, 389, 114, 000)		(2, 389, 114, 000)	do.	
	[262, 500, 000]		[262, 500, 000]		
	2, 663, 960, 000	+1	2, 663, 960, 000	Sept. 2, 1960	700 (86)
	(2, 451, 210, 000)		(2, 451, 210, 000)	do.	
	[212, 750, 000]		[212, 750, 000]		
	2, 547, 361, 000	-2	2, 547, 361, 000	Sept. 30, 1961	330 (87)
	(2, 352, 001, 000)		(2, 352, 001, 000)	do.	
	[195, 360, 000]		[195, 360, 000]		
	3, 134, 969, 000	+5	3, 134, 969, 000	Oct. 24, 1962	880 (87)
	(2, 872, 224, 000)		(2, 872, 224, 000)	do.	
	[262, 745, 000]		[262, 745, 000]		
	2, 742, 669, 000	-5	2, 742, 669, 000	Dec. 31, 1963	257 (88)
	(2, 342, 669, 000)		(2, 342, 669, 000)	do.	
	[400, 000, 000]		[400, 000, 000]		

TABULATION OF ATOMIC ENERGY COMMISSION APPROPRIATIONS, BY FISCAL YEARS, 1947-75—Continued

[Figures in parentheses indicate amounts for contract authority. Figures in brackets show breakdown of a particular appropriation. Amounts in brackets and parentheses are not included in final totals for amount requested and a amount appropriated]

Appropriation	Amount requested	Date of request	Amount allowed by House	Amount allowed by Senate	Amount appropriated	Difference between request and appropriation (percent)	Date enacted	Public Law No. 1
Fiscal year 1965:								
Regular appropriation.....	\$2,693,000,000	Jan. 21, 1964	\$2,624,073,000	\$2,631,000,000	\$2,624,573,000	-3	Aug. 30, 1964	551 (88)
Operating expenses.....	[2,323,000,000]	do.	[2,261,073,000]	[2,268,000,000]	[2,261,573,000]		do.	511 (88)
Plant and capital equipment.....	[370,000,000]	do.	[363,000,000]	[363,000,000]	[363,000,000]			
Fiscal year 1966:								
Regular appropriation.....	2,481,000,000	Jan. 25, 1965	2,354,995,000	2,377,045,000	2,365,895,000	-5.0	Oct. 28, 1965	559 (88)
Operating expenses.....	[2,231,000,000]	do.	[2,117,000,000]	[2,132,000,000]	[2,121,900,000]		do.	299 (89)
Plant and capital equipment.....	[250,000,000]	do.	[237,995,000]	[244,245,000]	[243,995,000]			
Fiscal year 1967:								
Regular appropriation.....	2,263,200,000	Jan. 24, 1966	2,199,030,000	2,199,030,000	2,199,030,000	-3.0	Oct. 15, 1966	689 (89)
Operating expenses.....	[1,985,000,000]	do.	[1,923,000,000]	[1,923,000,000]	[1,923,000,000]		do.	689 (89)
Plant and capital equipment.....	[278,200,000]	do.	[276,030,000]	[276,030,000]	[276,030,000]			
Fiscal year 1968:								
Regular appropriation.....	2,493,000,000	Jan. 24, 1967	2,492,733,000	2,512,035,000	2,509,133,000	+6	Nov. 20, 1967	147 (90)
Operating expenses.....	[2,144,800,000]	do.	[2,125,000,000]	[2,142,402,000]	[2,140,000,000]		do.	147 (90)
Plant and capital equipment.....	[348,200,000]	do.	[357,733,000]	[369,633,000]	[369,133,000]			147 (90)
Fiscal year 1969:								
Regular appropriation.....	2,754,600,000	Jan. 29, 1968	2,536,600,000	2,601,800,000	2,570,874,000	-6.7	Aug. 12, 1968	479 (90)
Operating expenses.....	[2,225,000,000]	do.	[2,080,000,000]	[2,132,300,000]	[2,109,300,000]		do.	479 (90)
Plant and capital equipment.....	[529,000,000]	do.	[456,600,000]	[469,500,000]	[461,574,000]			
Supplemental Appropriation Act, 1969, Plant and capital equipment.....	45,000,000	May 23, 1969	45,000,000	45,000,000	45,000,000		July 22, 1969	47 (91)
Fiscal year 1970:								
Regular appropriation.....	2,359,585,000	Apr. 15, 1969	2,227,769,000	2,217,794,000	2,217,769,000	-6.0	Dec. 11, 1969	144 (91)
Operating expenses.....	[1,963,800,000]	do.	[1,887,269,000]	[1,810,269,000]	[1,862,269,000]		do.	144 (91)
Plant and capital equipment.....	[395,785,000]	do.	[343,500,000]	[377,525,000]	[355,500,000]			305 (91)
2d Supplemental Appropriations Act, 1970.....	6,368,000	Mar. 12, 1970	5,000,000	5,000,000	5,000,000	-21.5	July 6, 1970	439 (91)
Fiscal year 1971:								
Regular appropriation.....	2,363,000,000	Feb. 2, 1970	2,325,600,000	2,271,270,000	2,282,760,000	-3.4	Oct. 7, 1970	439 (91)
Operating expenses.....	[2,010,900,000]	do.	[1,965,500,000]	[1,919,070,000]	[1,929,160,000]		do.	439 (91)
Plant and capital equipment.....	[352,100,000]	do.	[360,100,000]	[352,200,000]	[353,600,000]			655 (91)
Supplemental appropriation, 1971.....	25,500,000	Sept. 14, 1970	25,500,000	25,500,000	25,500,000		Jan. 8, 1971	655 (91)
Fiscal year 1972:								
Regular appropriation.....	2,338,202,000	June 30, 1971	2,270,000,000	2,308,720,000	2,294,380,000	-2.0	Oct. 5, 1971	134 (92)
Operating expenses.....	[1,966,751,000]	June 1, 1971	[1,926,000,000]	[1,963,720,000]	[1,950,130,000]		do.	134 (92)
Plant and capital equipment.....	[371,451,000]	do.	[344,000,000]	[345,000,000]	[344,250,000]			
Fiscal year 1973:								
Regular appropriation.....	2,657,092,000	Mar. 27, 1972	2,615,860,000	2,650,745,000	2,633,410,000	-1.0	Aug. 25, 1972	405 (92)
Operating expenses.....	[2,126,182,000]	do.	[2,129,000,000]	[2,150,635,000]	[2,138,800,000]		do.	405 (92)
Plant and capital equipment.....	[530,910,000]	do.	[2,486,860,000]	[500,110,000]	[494,610,000]			

Fiscal year 1974:

Regular appropriation	2,429,375,000	2,302,388,000	2,348,338,000	2,336,538,000	-3.8
Operating expenses	(1,754,750,000)	(1,681,263,000)	(1,722,563,000)	(1,714,263,000)	
Plant and capital equipment	(574,625,000)	(621,125,000)	(625,775,000)	(622,275,000)	Aug. 16, 1973
Supplemental appropriation	(40,700,000)				do.
Operating expenses	(10,700,000)	(15,500,000)	(16,500,000)	(11,300,000)	Jan. 3, 1974
Plant and capital equipment	(30,000,000)	(30,000,000)	(30,000,000)	(30,000,000)	245 (93)
2d supplemental appropriation	11,644,000	(11,400,000)	11,200,000	(30,000,000)	
Fiscal year 1975:					
Regular appropriation	3,246,848,000	3,254,175,000	3,238,325,000	3,229,325,000	-3.8
Energy research and development:					
Operating expenses	(1,009,890,000)	(1,043,790,000)	(1,032,690,000)	(1,032,690,000)	June 30, 1974
Plant and capital equipment	(432,570,000)	(463,970,000)	(433,970,000)	(453,970,000)	do.
Public Works:					
Operating expenses	(1,461,633,000)	(1,428,760,000)	(1,433,960,000)	(1,411,960,000)	Aug. 28, 1974
Plant and capital equipment	(342,755,000)	(317,655,000)	(337,705,000)	(330,705,000)	393 (93)
Supplemental appropriation	73,000	0	78,000	34,650,000	593 (93)
Operating expenses	(54,700,000)	0	(59,700,000)	(25,500,000)	-52.5
Plant and capital equipment	(18,300,000)	0	(18,300,000)	(9,150,000)	Dec. 27, 1974
Total	64,071,019,565			61,009,341,784	-4.8

- 1 Numbers in parentheses indicate the Congress during which law was enacted.
- 2 This represents the net amount of funds transferred from the War Department.
- 3 Revised to \$150,000,000 at AEC request by H. Doc. 542, dated Feb. 19, 1948.
- 4 Reduced to \$553,000,000 at AEC request by H. Doc. 597, dated Apr. 7, 1948.
- 5 Reduced to \$709,800,000 at AEC request by H. Doc. 457, dated Jan. 27, 1950.
- 6 Increased by S. 37.
- 7 The report of the House Committee on Appropriations (H. Rept. No. 1110, Oct. 8, 1951) on the 2d supplemental appropriation bill, 1952 (H.R.) states: "In view of the assurance of AEC officials that funds already provided will meet all requirements until early next spring the committee has effected a reduction of \$284,200,000 in the supplemental request of \$484,200,000 leaving a total of \$200,000,000 which will be entirely sufficient to meet any emergency needs for additional funds which may arise prior to the time Congress has had a further opportunity to review the program and the efficiency with which construction work is proceeding." The request was for additional funds for the Savannah River Operations Office.
- 8 Cash, including \$1,355,358,000 cash to liquidate.
- 9 Contract authority.
- 10 Reduced to \$1,096,000,000 in revised request on May 18, 1953 (operating expenses \$930,000,000; plant and equipment, \$166,000,000).
- 11 Reduced to \$1,342,000,000 in revised request (H. Doc. 348) on Mar. 4, 1954 (operating expenses, \$1,105,650,000; plant and equipment, \$236,350,000).
- 12 Reduced to \$1,339,700,000 in revised request on Mar. 31, 1955 (operating expenses, \$1,045,000,000; plant and equipment, \$294,700,000).
- 13 Increased to \$1,898,700,000 in revised request (H. Doc. 415) on May 29, 1956 (operating expenses, \$1,740,400,000; plant acquisition and construction, \$158,300,000).
- 14 Reduced to \$2,485,625,000 at AEC request during hearings before the House Committee on Appropriations (operating expenses, \$2,371,000,000; plant acquisition and construction, \$114,625,000).
- 15 Increased to \$2,647,000,000 in revised request (H. Doc. 388 dated May 28, 1958, and S. Doc. 113 dated Aug. 1, 1958). Operating expenses increased to \$2,443,000,000.
- 16 Increased to \$2,687,300 in revised request (H. Doc. 179, June 18, 1959). Operating expenses reduced to \$2,417,300,000 and plant acquisition and construction increased to \$270,000,000.
- 17 Increased to \$2,675,300,000 in revised request (H. Doc. 387, May 16, 1960). Operating expenses increased to \$2,459,800,000.
- 18 Increased to \$2,628,150,000 in revised request (H. Doc. 125, May 28, 1961). Operating expenses decreased to \$2,359,400,000 and plant acquisition and construction increased to \$268,750,000.
- 19 Increased to \$3,220,933,000 in revised requests (H. Doc. 409, May 21, 1962, and H. Doc. 467, July 9, 1962). Operating expenses increased to \$2,888,588,000 and plant acquisition and construction increased to \$332,345,000.
- 20 Decreased to \$2,849,645,000 in revised requests (H. Doc. 105, Apr. 22, 1962, H. Doc. 166, Oct. 15, 1963). Operating expenses decreased to \$2,423,500,000 and plant and capital equipment increased to \$426,145,000.
- 21 Increased to \$2,646,100,000 in revised requests (H. Doc. 62, Feb. 28, 1967, H. Doc. 80, Mar. 9, 1967, H. Doc. 111, Apr. 24, 1967). Operating expenses increased to \$2,169,900,000 and plant and capital equipment increased to \$476,200,000.
- 22 Final request of new administration. Original budget submission on Jan. 15, 1969, requested \$2,438,135,000 of which \$2,037,500,000 was for operating expenses and \$400,635,000 was for plant and capital equipment.
- 23 Final amended request. Original budget submission on Jan. 29, 1971, requested \$2,250,931,000. Amendments were submitted on Apr. 19, May 27, and June 30. (See H. Docs. 92-93, 92-116, and 92, 138).
- 24 Appropriation for operating expenses increased \$2,844,000 (to \$1,952,974,000) and plant and capital equipment decreased \$2,844,000 (to \$341,406,000) under Public Law 92-306, Second Supplemental Appropriations Act, 1972, dated May 27, 1972, to provide funds for pay raise. (Actual transfer was \$2,800,000.)
- 25 Final amended request. Original budget submission on Jan. 24, 1972, requested \$2,563,140,000. Amendments were submitted on Mar. 20 and 26. (See H. Docs. 92-267 and 92-269.)
- 26 None of the \$3,000,000 was recommended for appropriation by the House since required authorizing legislation had not been enacted into law.

APPENDIX 11

NUCLEAR NON-PROLIFERATION ACT OF 1978

[PUBLIC LAW 95-242]

[H.R. 8638]

[92 STAT. 120]

AN ACT

To provide for more efficient and effective control over the proliferation of nuclear explosive capability.

Nuclear Non-
Proliferation
Act of 1978.
22 USC 3201
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Non-Proliferation Act of 1978".

STATEMENT OF POLICY

22 U.S.C. 3201.

SEC. 2. The Congress finds and declares that the proliferation of nuclear explosive devices or of the direct capability to manufacture or otherwise acquire such devices poses a grave threat to the security interests of the United States and to continued international progress toward world peace and development. Recent events emphasize the urgency of this threat and the imperative need to increase the effectiveness of international safeguards and controls on peaceful nuclear activities to prevent proliferation. Accordingly, it is the policy of the United States to—

(a) actively pursue through international initiatives mechanisms for fuel supply assurances and the establishment of more effective international controls over the transfer and use of nuclear materials and equipment and nuclear technology for peaceful purposes in order to prevent proliferation, including the establishment of common international sanctions;

(b) take such actions as are required to confirm the reliability of the United States in meeting its commitments to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies by establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses;

(c) strongly encourage nations which have not ratified the Treaty on the Non-Proliferation of Nuclear Weapons to do so at the earliest possible date; and

(d) cooperate with foreign nations in identifying and adapting suitable technologies for energy production and, in particular, to identify alternative options to nuclear power in aiding such nations to meet their energy needs, consistent with the economic and material resources of those nations and environmental protection.

STATEMENT OF PURPOSE

SEC. 3. It is the purpose of this Act to promote the policies set forth above by— 22 U.S.C. 3202.

(a) establishing a more effective framework for international cooperation to meet the energy needs of all nations and to ensure that the worldwide development of peaceful nuclear activities and the export by any nation of nuclear materials and equipment and nuclear technology intended for use in peaceful nuclear activities do not contribute to proliferation;

(b) authorizing the United States to take such actions as are required to ensure that it will act reliably in meeting its commitment to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies;

(c) providing incentives to the other nations of the world to join in such international cooperative efforts and to ratify the Treaty; and

(d) ensuring effective controls by the United States over its exports of nuclear materials and equipment and of nuclear technology.

DEFINITIONS

SEC. 4. (a) As used in this Act, the term—

(1) "Commission" means the Nuclear Regulatory Commission; 22 U.S.C. 3203.

(2) "Director" means the Director of the Arms Control and Disarmament Agency;

(3) "IAEA" means International Atomic Energy Agency;

(4) "nuclear materials and equipment" means source material, special nuclear material, production facilities, utilization facilities, and components, items or substances determined to have significance for nuclear explosive purposes pursuant to subsection 109 b. of the 1954 Act;

(5) "physical security measures" means measures to reasonably ensure that source or special nuclear material will only be used for authorized purposes and to prevent theft and sabotage; *Post*, p. 141.

(6) "sensitive nuclear technology" means any information (including information incorporated in a production or utilization facility or important component part thereof) which is not available to the public and which is important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water, but shall not include Restricted Data controlled pursuant to chapter 12 of the 1954 Act;

(7) "1954 Act" means the Atomic Energy Act of 1954, as amended; and 42 U.S.C. 2011 note.

(8) "the Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons.

(b) All other terms used in this Act not defined in this section shall have the meanings ascribed to them by the 1954 Act, the Energy Reorganization Act of 1974, and the Treaty. 42 U.S.C. 5801 note.

TITLE I—UNITED STATES INITIATIVES TO PROVIDE ADEQUATE NUCLEAR FUEL SUPPLY

POLICY

SEC. 101. The United States, as a matter of national policy, shall take such actions and institute such measures as may be necessary and feasible to assure other nations and groups of nations that may seek to utilize the benefits of atomic energy for peaceful purposes that it will provide a reliable supply of nuclear fuel to those nations and groups of nations which adhere to policies designed to 22 U.S.C. 3221.

42 U.S.C. 2201.

prevent proliferation. Such nuclear fuel shall be provided under agreements entered into pursuant to section 161 of the 1954 Act or as otherwise authorized by law. The United States shall ensure that it will have available the capacity on a long-term basis to enter into new fuel supply commitments consistent with its non-proliferation policies and domestic energy needs. The Commission shall, on a timely basis, authorize the export of nuclear materials and equipment when all the applicable statutory requirements are met.

URANIUM ENRICHMENT CAPACITY

22 U.S.C. 3222.

SEC. 102. The Secretary of Energy is directed to initiate construction planning and design, construction, and operation activities for expansion of uranium enrichment capacity, as elsewhere provided by law. Further the Secretary as well as the Nuclear Regulatory Commission, the Secretary of State, and the Director of the Arms Control and Disarmament Agency are directed to establish and implement procedures which will ensure to the maximum extent feasible, consistent with this Act, orderly processing of subsequent arrangements and export licenses with minimum time delay.

REPORT

Study.
22 U.S.C. 3222
note.

SEC. 103. The President shall promptly undertake a study to determine the need for additional United States enrichment capacity to meet domestic and foreign needs and to promote United States nonproliferation objectives abroad. The President shall report to the Congress on the results of this study within twelve months after the date of enactment of this Act.

Report to
Congress.

INTERNATIONAL UNDERTAKING

Discussions
and
negotiations.
22 U.S.C. 3223.

SEC. 104. (a) Consistent with section 165 of this Act, the President shall institute prompt discussions with other nations and groups of nations, including both supplier and recipient nations, to develop international approaches for meeting future worldwide nuclear fuel needs. In particular, the President is authorized and urged to seek to negotiate as soon as practicable with nations possessing nuclear fuel production facilities or material, and such other nations and groups of nations, such as the IAEA, as may be deemed appropriate, with a view toward the timely establishment of binding international undertakings providing for—

(1) the establishment of an international nuclear fuel authority (INFA) with responsibility for providing agreed fuel services and allocating agreed upon quantities of fuel resources to ensure fuel supply on reasonable terms in accordance with agreements between INFA and supplier and recipient nations;

(2) a set of conditions consistent with subsection (d) under which international fuel assurances under INFA auspices will be provided to recipient nations, including conditions which will ensure that the transferred materials will not be used for nuclear explosive devices;

(3) devising, consistent with the policy goals set forth in section 403 of this Act, feasible and environmentally sound approaches for the siting, development, and management under effective international auspices and inspection of facilities for the provision of nuclear fuel services, including the storage of special nuclear material;

(4) the establishment of repositories for the storage of spent nuclear reactor fuel under effective international auspices and inspection;

(5) the establishment of arrangements under which nations placing spent fuel in such repositories would receive appropriate compensation for the energy content of such spent fuel if recovery of such energy content is deemed necessary or desirable; and

(6) sanctions for violation of the provisions of or for abrogation of such binding international undertakings.

(b) The President shall submit to Congress not later than six months after the date of enactment of this Act proposals for initial fuel assurances, including creation of an interim stockpile of uranium enriched to less than 20 percent in the uranium isotope 235 (low-enriched uranium) to be available for transfer pursuant to a sales arrangement to nations which adhere to strict policies designed to prevent proliferation when and if necessary to ensure continuity of nuclear fuel supply to such nations. Such submission shall include proposals for the transfer of low-enriched uranium up to an amount sufficient to produce 100,000 MWe years of power from light water nuclear reactors, and shall also include proposals for seeking contributions from other supplier nations to such an interim stockpile pending the establishment of INFA.

Proposals,
submitted to
Congress.

(c) The President shall, in the report required by section 103, also address the desirability of and options for foreign participation, including investment, in new United States uranium enrichment facilities. This report shall also address the arrangements that would be required to implement such participation and the commitments that would be required as a condition of such participation. This report shall be accompanied by any proposed legislation to implement these arrangements.

Proposed
legislation.

(d) The fuel assurances contemplated by this section shall be for the benefit of nations that adhere to policies designed to prevent proliferation. In negotiating the binding international undertakings called for in this section, the President shall, in particular, seek to ensure that the benefits of such undertakings are available to non-nuclear-weapon states only if such states accept IAEA safeguards on all their peaceful nuclear activities, do not manufacture or otherwise acquire any nuclear explosive device, do not establish any new enrichment or reprocessing facilities under their de facto or de jure control, and place any such existing facilities under effective international auspices and inspection.

(e) The report required by section 601 shall include information on the progress made in any negotiations pursuant to this section.

(f) (1) The President may not enter into any binding international undertaking negotiated pursuant to subsection (a) which is not a treaty until such time as such proposed undertaking has been submitted to the Congress and has been approved by concurrent resolution.

(2) The proposals prepared pursuant to subsection (b) shall be submitted to the Congress as part of an annual authorization Act for the Department of Energy.

REEVALUATION OF NUCLEAR FUEL CYCLE

SEC. 105. The President shall take immediate initiatives to invite all nuclear supplier and recipient nations to reevaluate all aspects of the nuclear fuel cycle, with emphasis on alternatives to an economy based on the separation of pure plutonium or the presence of high enriched uranium, methods to deal with spent fuel storage, and methods to improve the safeguards for existing nuclear technology. The President shall, in the first report required by section 601, detail the progress of such international reevaluation. 22 U.S.C. 3224.

TITLE II—UNITED STATES INITIATIVES TO STRENGTHEN THE INTERNATIONAL SAFEGUARDS SYSTEM

POLICY

SEC. 201. The United States is committed to continued strong support for the principles of the Treaty on the Non-Proliferation 22 U.S.C. 3241.

of Nuclear Weapons, to a strengthened and more effective International Atomic Energy Agency and to a comprehensive safeguards system administered by the Agency to deter proliferation. Accordingly, the United States shall seek to act with other nations to—

(a) continue to strengthen the safeguards program of the IAEA and, in order to implement this section, contribute funds, technical resources, and other support to assist the IAEA in effectively implementing safeguards;

(b) ensure that the IAEA has the resources to carry out the provisions of Article XII of the Statute of the IAEA;

(c) improve the IAEA safeguards system (including accountability) to ensure—

(1) the timely detection of a possible diversion of source or special nuclear materials which could be used for nuclear explosive devices;

(2) the timely dissemination of information regarding such diversion; and

(3) the timely implementation of internationally agreed procedures in the event of such diversion;

(d) ensure that the IAEA receives on a timely basis the data needed for it to administer an effective comprehensive international safeguards program and that the IAEA provides timely notice to the world community of any evidence of a violation of any safeguards agreement to which it is a party; and

(e) encourage the IAEA, to the maximum degree consistent with the Statute, to provide nations which supply nuclear materials and equipment with the data needed to assure such nations of adherence to bilateral commitments applicable to such supply.

TRAINING PROGRAM

22 U.S.C. 3242. SEC. 202 The Department of Energy, in consultation with the Commission, shall establish and operate a safeguards and physical security training program to be made available to persons from nations and groups of nations which have developed or acquired, or may be expected to develop or acquire, nuclear materials and equipment for use for peaceful purposes. Any such program shall include training in the most advanced safeguards and physical security techniques and technology, consistent with the national security interests of the United States.

NEGOTIATIONS

22 U.S.C. 3243. SEC. 203. The United States shall seek to negotiate with other nations and groups of nations to—

(1) adopt general principles and procedures, including common international sanctions, to be followed in the event that a nation violates any material obligation with respect to the peaceful use of nuclear materials and equipment or nuclear technology, or in the event that any nation violates the principles of the Treaty, including the detonation by a non-nuclear-weapon state of a nuclear explosive device; and

(2) establish international procedures to be followed in the event of diversion, theft, or sabotage of nuclear materials or sabotage of nuclear facilities, and for recovering nuclear materials that have been lost or stolen, or obtained or used by a nation or by any person or group in contravention of the principles of the Treaty.

TITLE III—EXPORT ORGANIZATION AND CRITERIA

GOVERNMENT-TO-GOVERNMENT TRANSFERS

SEC. 301. (a) Section 54 of the 1954 Act is amended by adding a new subsection d. thereof as follows:

Post, p. 131.
42 U.S.C. 2074.

"d. The authority to distribute special nuclear material under this section other than under an export license granted by the Nuclear Regulatory Commission shall extend only to the following small quantities of special nuclear material (in no event more than five hundred grams per year of the uranium isotope 233, the uranium isotope 235, or plutonium contained in special nuclear material to any recipient):

"(1) which are contained in laboratory samples, medical devices, or monitoring or other instruments; or

"(2) the distribution of which is needed to deal with an emergency situation in which time is of the essence."

(b) Section 64 of the 1954 Act is amended by inserting the following immediately after the second sentence thereof: "The authority to distribute source material under this section other than under an export license granted by the Nuclear Regulatory Commission shall in no case extend to quantities of source material in excess of three metric tons per year per recipient."

42 U.S.C. 2094.

(c) Chapter 10 of the 1954 Act is amended by adding a new section 111 as follows:

"SEC. 111. a. The Nuclear Regulatory Commission is authorized to license the distribution of special nuclear material, source material, and byproduct material by the Department of Energy pursuant to section 54, 64, and 82 of this Act, respectively, in accordance with the same procedures established by law for the export licensing of such material by any person: *Provided*, That nothing in this section shall require the licensing of the distribution of byproduct material by the Department of Energy under section 82 of this Act.

42 U.S.C. 2141.

"b. The Department of Energy shall not distribute any special nuclear material or source material under section 54 or 64 of this Act other than under an export license issued by the Nuclear Regulatory Commission until (1) the Department has obtained the concurrence of the Department of State and has consulted with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, and the Department of Defense under mutually agreed procedures which shall be established within not more than ninety days after the date of enactment of this provision and (2) the Department finds based on a reasonable judgment of the assurances provided and the information available to the United States Government, that the criteria in section 127 of this Act or their equivalent and any applicable criteria in subsection 128 are met, and that the proposed distribution would not be inimical to the common defense and security."

Supra.
42 U.S.C. 2112.

Post, p. 136.

Post, p. 137.

SEC. 302. Subsection 57 b. of the 1954 Act is amended to read as follows:

"b. It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) as specifically authorized under an agreement for cooperation made pursuant to section 123, including a specific authorization in a subsequent arrangement under section 131 of this Act, or (2) upon authorization by the Secretary of Energy after a determination that such activity will not be inimical to the interest of the United States: *Provided*, That any such determination by the Secretary of Energy shall be made only with the concurrence of the Department of State and after consultation with the Arms Control and Dis-

Special nuclear material, production. Technology transfers.
42 U.S.C. 2077.
Post, p. 142.

Post, p. 127.

Authorization requests, procedures.

armament Agency, the Nuclear Regulatory Commission, the Department of Commerce, and the Department of Defense. The Secretary of Energy shall, within ninety days after the enactment of the Nuclear Non-Proliferation Act of 1978, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of State, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the consideration of requests for authorization under this subsection. Such procedures shall include, at a minimum, explicit direction on the handling of such requests, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an interagency coordinating authority to monitor the processing of such requests, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending requests, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial requests should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of any required assurances or evidentiary showing, for the decision required under this subsection. The processing of any request proposed and filed as of the date of enactment of the Nuclear Non-Proliferation Act of 1978 shall not be delayed pending the development and establishment of procedures to implement the requirements of this subsection. Any trade secrets or proprietary information submitted by any person seeking an authorization under this subsection shall be afforded the maximum degree of protection allowable by law: *Provided further*, That the export of component parts as defined in subsection 11 v. (2) or 11 c. (2) shall be governed by sections 109 and 126 of this Act: *Provided further*, That notwithstanding subsection 402(d) of the Department of Energy Organization Act (Public Law 95-91), the Secretary of Energy and not the Federal Energy Regulatory Commission, shall have sole jurisdiction within the Department of Energy over any matter arising from any function of the Secretary of Energy in this section, section 54 d., section 64, or section 111 b."

Standards and criteria.

Trade secrets, protection.

42 U.S.C. 2014.
Post, pp. 131, 141.

42 U.S.C. 7172.

Ante, p. 125.
42 U.S.C. 2074, 2094.

SUBSEQUENT ARRANGEMENTS

SEC. 303. (a) Chapter 11 of the 1954 Act, as amended by sections 304, 305, 306, 307, and 308, is further amended by adding at the end thereof the following:

42 U.S.C. 2160.
Consultation.

"SEC. 131. SUBSEQUENT ARRANGEMENTS.—

"a. (1) Prior to entering into any proposed subsequent arrangement under an agreement for cooperation (other than an agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c. of this Act), the Secretary of Energy shall obtain the concurrence of the Secretary of State and shall consult with the Director, the Commission, and the Secretary of Defense: *Provided*, That the Secretary of State shall have the leading role in any negotiations of a policy nature pertaining to any proposed subsequent arrangement regarding arrangements for the storage or disposition of irradiated fuel elements or approvals for the transfer, for which prior approval is required under an agreement for cooperation, by a recipient of source or special nuclear material, production or utilization facilities, or nuclear technol-

42 U.S.C. 2121,
2164.

ogy. Notice of any proposed subsequent arrangement shall be published in the Federal Register, together with the written determination of the Secretary of Energy that such arrangement will not be inimical to the common defense and security, and such proposed subsequent arrangement shall not take effect before fifteen days after publication. Whenever the Director declares that he intends to prepare a Nuclear Proliferation Assessment Statement pursuant to paragraph (2) of this subsection, notice of the proposed subsequent arrangement which is the subject of the Director's declaration shall not be published until after the receipt by the Secretary of Energy of such Statement or the expiration of the time authorized by subsection c. for the preparation of such Statement, whichever occurs first.

"(2) If in the Director's view a proposed subsequent arrangement might significantly contribute to proliferation, he may prepare an unclassified Nuclear Proliferation Assessment Statement with regard to such proposed subsequent arrangement regarding the adequacy of the safeguards and other control mechanisms and the application of the peaceful use assurances of the relevant agreement to ensure that assistance to be furnished pursuant to the subsequent arrangement will not be used to further any military or nuclear explosive purpose. For the purposes of this section, the term 'subsequent arrangements' means arrangements entered into by any agency or department of the United States Government with respect to cooperation with any nation or group of nations (but not purely private or domestic arrangements) involving—

"(A) contracts for the furnishing of nuclear materials and equipment;

"(B) approvals for the transfer, for which prior approval is required under an agreement for cooperation, by a recipient of any source or special nuclear material, production or utilization facility, or nuclear technology;

"(C) authorization for the distribution of nuclear materials and equipment pursuant to this Act which is not subject to the procedures set forth in section 111 b., section 126, or section 109 b.;

"(D) arrangements for physical security;

"(E) arrangements for the storage or disposition of irradiated fuel elements;

"(F) arrangements for the application of safeguards with respect to nuclear materials and equipment; or

"(G) any other arrangement which the President finds to be important from the standpoint of preventing proliferation.

"(3) The United States will give timely consideration to all requests for prior approval, when required by this Act, for the reprocessing of material proposed to be exported, previously exported and subject to the applicable agreement for cooperation, or special nuclear material produced through the use of such material or a production or utilization facility transferred pursuant to such agreement for cooperation, or to the altering of irradiated fuel elements containing such material, and additionally, to the maximum extent feasible, will attempt to expedite such consideration when the terms and conditions for such actions are set forth in such agreement for cooperation or in some other international agreement executed by the United States and subject to congressional review procedures comparable to those set forth in section 123 of this Act.

"(4) All other statutory requirements under other sections of this Act for the approval or conduct of any arrangement subject to this subsection shall continue to apply and any other such requirements for prior approval or conditions for entering such arrangements shall also be satisfied before the arrangement takes effect pursuant to subsection a. (1).

Notice,
publication in
the Federal
Register.

Nuclear
Proliferation
Assessment
Statement.

"Subsequent
arrangements."

Contracts.

Ante, p. 125.
Post, pp. 131,
141.

Post, p. 142.

"b. With regard to any special nuclear material exported by the United States or produced through the use of any nuclear materials and equipment or sensitive nuclear technology exported by the United States—

Report to congressional committees.

Post, p. 139.

"(1) the Secretary of Energy may not enter into any subsequent arrangement for the retransfer of any such material to a third country for reprocessing, for the reprocessing of any such material, or for the subsequent retransfer of any plutonium in quantities greater than 500 grams resulting from the reprocessing of any such material, until he has provided the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate with a report containing his reasons for entering into such arrangement and a period of 15 days of continuous session (as defined in subsection 130 g. of this Act) has elapsed: *Provided, however*, That if in the view of the President an emergency exists due to unforeseen circumstances requiring immediate entry into a subsequent arrangement, such period shall consist of fifteen calendar days;

"(2) the Secretary of Energy may not enter into any subsequent arrangement for the reprocessing of any such material in a facility which has not processed power reactor fuel assemblies or been the subject of a subsequent arrangement therefor prior to the date of enactment of the Nuclear Non-Proliferation Act of 1978 or for subsequent retransfer to a non-nuclear-weapon state of any plutonium in quantities greater than 500 grams resulting from such reprocessing, unless in his judgment, and that of the Secretary of State, such reprocessing or retransfer will not result in a significant increase of the risk of proliferation beyond that which exists at the time that approval is requested. Among all the factors in making this judgment, foremost consideration will be given to whether or not the reprocessing or retransfer will take place under conditions that will ensure timely warning to the United States of any diversion well in advance of the time at which the non-nuclear-weapon state could transform the diverted material into a nuclear explosive device; and

"(3) the Secretary of Energy shall attempt to ensure, in entering into any subsequent arrangement for the reprocessing of any such material in any facility that has processed power reactor fuel assemblies or been the subject of a subsequent arrangement therefor prior to the date of enactment of the Nuclear Non-Proliferation Act of 1978, or for the subsequent retransfer to any non-nuclear-weapon state of any plutonium in quantities greater than 500 grams resulting from such reprocessing, that such reprocessing or retransfer shall take place under conditions comparable to those which in his view, and that of the Secretary of State, satisfy the standards set forth in paragraph (2).

Nuclear materials, reprocessing or transfer procedures.

"c. The Secretary of Energy shall, within ninety days after the enactment of this section, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of State, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the consideration of requests for subsequent arrangements under this section. Such procedures shall include, at a minimum, explicit direction on the handling of such requests, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an inter-agency coordinating authority to monitor the processing of such requests, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher coordinators to review the status of all pending requests, and similar administrative mechanisms. To the extent practicable,

an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial requests should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly as necessary standards and criteria, including the nature of any required assurance or evidentiary showings, for the decisions required under this section. Further, such procedures shall specify that if he intends to prepare a Nuclear Proliferation Assessment Statement, the Director shall so declare in his response to the Department of Energy. If the Director declares that he intends to prepare such a Statement, he shall do so within sixty days of his receipt of a copy of the proposed subsequent arrangement (during which time the Secretary of Energy may not enter into the subsequent arrangement), unless pursuant to the Director's request, the President waives the sixty-day requirement and notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of such waiver and the justification therefor. The processing of any subsequent arrangement proposed and filed as of the date of enactment of this section shall not be delayed pending the development and establishment of procedures to implement the requirements of this section.

Controversial requests, identification.

Standards and criteria.

Nuclear Proliferation Assessment Statement.

Presidential waiver. Notice to congressional committees.

"d. Nothing in this section is intended to prohibit, permanently or unconditionally, the reprocessing of spent fuel owned by a foreign nation which fuel has been supplied by the United States, to preclude the United States from full participation in the International Nuclear Fuel Cycle Evaluation provided for in section 105 of the Nuclear Non-Proliferation Act of 1978; to in any way limit the presentation or consideration in that evaluation of any nuclear fuel cycle by the United States or any other participation; nor to prejudice open and objective consideration of the results of the evaluation.

"e. Notwithstanding subsection 402(d) of the Department of Energy Organization Act (Public Law 95-91), the Secretary of Energy, and not the Federal Energy Regulatory Commission, shall have sole jurisdiction within the Department of Energy over any matter arising from any function of the Secretary of Energy in this section.

42 U.S.C. 7172.

"f. (1) With regard to any subsequent arrangement under subsection a. (2)(E) (for the storage or disposition of irradiated fuel elements), where such arrangement involves a direct or indirect commitment of the United States for the storage or other disposition, interim or permanent, of any foreign spent nuclear fuel in the United States, the Secretary of Energy may not enter into any such subsequent arrangement, unless:

Presidential plan, submitted to Congress.

"(A) (i) Such commitment of the United States has been submitted to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and has been referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, but any such commitment shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that it does not favor the commitment, any such commitment to be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions; or (ii) if the President has submitted a detailed generic plan for such disposition or storage in the United States to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act), which plan has been referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate and has not been dis-

Post, p. 139.

approved during such sixty-day period by the adoption of a concurrent resolution stating in substance that Congress does not favor the plan; and the commitment is subject to the terms of an effective plan. Any such plan shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions;

"(B) The Secretary of Energy has complied with subsection a.; and

"(C) The Secretary of Energy has complied, or in the arrangement will comply with all other statutory requirements of this Act, under sections 54 and 55 and any other applicable sections, and any other requirements of law.

"(2) Subsection (1) shall apply to the storage or other disposition in the United States of limited quantities of foreign spent nuclear fuel if the President determines that (A) a commitment under section 54 or 55 of this Act of the United States for storage or other disposition of such limited quantities in the United States is required by an emergency situation, (B) it is in the national interest to take such immediate action, and (C) he notifies the Committees on International Relations and Science and Technology of the House of Representatives and the Committees on Foreign Relations and Energy and Natural Resources of the Senate of the determination and action, with a detailed explanation and justification thereof, as soon as possible.

"(3) Any plan submitted by the President under subsection f. (1) shall include a detailed discussion, with detailed information, and any supporting documentation thereof, relating to policy objectives, technical description, geographic information, cost data and justifications, legal and regulatory considerations, environmental impact information and any related international agreements, arrangements or understandings.

"(4) For the purposes of this subsection, the term 'foreign spent nuclear fuel' shall include any nuclear fuel irradiated in any nuclear power reactor located outside of the United States and operated by any foreign legal entity, government or nongovernment, regardless of the legal ownership or other control of the fuel or the reactor and regardless of the origin or licensing of the fuel or reactor, but not including fuel irradiated in a research reactor."

(b) (1) Section 54 of the 1954 Act is amended by adding new subsection e. as follows,

"e. The authority in this section to commit United States funds for any activities pursuant to any subsequent arrangement under section 131 a. (2) (E) shall be subject to the requirements of section 131."

(2) Section 55 of the 1954 Act is amended by adding a proviso at the end of the section as follows, "Providing, That the authority in this section to commit United States funds for any activities pursuant to any subsequent arrangement under section 131 a. (2) (E) shall be subject to the requirements of section 131."

EXPORT LICENSING PROCEDURES

SEC. 304. (a) Chapter 11 of the 1954 Act is amended by adding a new section 126 as follows:

"SEC. 126. EXPORT LICENSING PROCEDURES.—

"a. No license may be issued by the Nuclear Regulatory Commission (the 'Commission') for the export of any production or utilization facility, or any source material or special nuclear material, including distributions of any material by the Department of Energy under section 54, 64, or 82, for which a license is required or requested, and no exemption from any requirement for such an export license may be granted by the Commission, as the case may be, until—

"(1) the Commission has been notified by the Secretary of State that it is the judgment of the executive branch that the

Ante, p. 125.

Post, p. 131.

Notice to congressional committees.

Plan, contents.

"Foreign spent nuclear fuel."

Ante, p. 125.

Ante, p. 127.

42 U.S.C. 2075.

42 U.S.C. 2155.
Exemption.

Ante, p. 125.

Supra,
42 U.S.C. 2112.
Executive branch judgment, notice to Commission.

proposed export or exemption will not be inimical to the common defense and security, or that any export in the category to which the proposed export belongs would not be inimical to the common defense and security because it lacks significance for nuclear explosive purposes. The Secretary of State shall, within ninety days after the enactment of this section, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of Energy, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the executive branch judgment on export applications under this section. Such procedures shall include, at a minimum, explicit direction on the handling of such applications, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an inter-agency coordinating authority to monitor the processing of such applications, predetermined procedures for the expeditious handling of intra-agency and interagency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending applications, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial applications should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of any required assurances or evidentiary showing, for the decisions required under this section. The processing of any export application proposed and filed as of the date of enactment of this section shall not be delayed pending the development and establishment of procedures to implement the requirements of this section. The executive branch judgment shall be completed in not more than sixty days from receipt of the application or request, unless the Secretary of State in his discretion specifically authorizes additional time for consideration of the application or request because it is in the national interest to allow such additional time. The Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of any such authorization. In submitting any such judgment, the Secretary of State shall specifically address the extent to which the export criteria then in effect are met and the extent to which the cooperating party has adhered to the provisions of the applicable agreement for cooperation. In the event he considers it warranted, the Secretary may also address the following additional factors, among others:

"(A) whether issuing the license or granting the exemption will materially advance the non-proliferation policy of the United States by encouraging the recipient nation to adhere to the Treaty, or to participate in the undertakings contemplated by section 403 or 404(a) of the Nuclear Non-Proliferation Act of 1978;

"(B) whether failure to issue the license or grant the exemption would otherwise be seriously prejudicial to the non-proliferation objectives of the United States; and

"(C) whether the recipient nation or group of nations has agreed that conditions substantially identical to the export criteria set forth in section 127 of this Act will

Procedures.

Contents.

Standards and criteria.

Notice to congressional committees.

Post, p. 136.

be applied by another nuclear supplier nation or group of nations to the proposed United States export, and whether in the Secretary's judgment those conditions will be implemented in a manner acceptable to the United States.

Data and
recommendations.

The Secretary of State shall provide appropriate data and recommendations, subject to requests for additional data and recommendations, as required by the Commission or the Secretary of Energy, as the case may be; and

Post, p. 136.

42 U.S.C. 2154.

Extension,
notice to
Congress.

"(2) the Commission finds, based on a reasonable judgment of the assurances provided and other information available to the Federal Government, including the Commission, that the criteria in section 127 of this Act or their equivalent, and any other applicable statutory requirements, are met: *Provided*, That continued cooperation under an agreement for cooperation as authorized in accordance with section 124 of this Act shall not be prevented by failure to meet the provisions of paragraph (4) or (5) of section 127 for a period of thirty days after enactment of this section, and for a period of twenty-three months thereafter if the Secretary of State notifies the Commission that the nation or group of nations bound by the relevant agreement has agreed to negotiations as called for in section 404(a) of the Nuclear Non-Proliferation Act of 1978; however, nothing in this subsection shall be deemed to relinquish any rights which the United States may have under agreements for cooperation in force on the date of enactment of this section: *Provided further*, That, if, upon the expiration of such twenty-four month period, the President determines that failure to continue cooperation with any group of nations which has been exempted pursuant to the above proviso from the provisions of paragraph (4) or (5) of section 127 of this Act, but which has not yet agreed to comply with those provisions would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security, he may, after notifying the Congress of his determination, extend by Executive order the duration of the above proviso for a period of twelve months, and may further extend the duration of such proviso by one year increments annually thereafter if he again makes such determination and so notifies the Congress. In the event that the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate reports a joint resolution to take any action with respect to any such extension, such joint resolution will be considered in the House or Senate, as the case may be, under procedures identical to those provided for the consideration of resolutions pursuant to section 130 of this Act: *And additionally provided*, That the Commission is authorized to (A) make a single finding under this subsection for more than a single application or request, where the applications or requests involve exports to the same country, in the same general time frame, of similar significance for nuclear explosive purposes and under reasonably similar circumstances and (B) make a finding under this subsection that there is no material changed circumstance associated with a new application or request from those existing at the time of the last application or request for an export to the same country, where the prior application or request was approved by the Commission using all applicable procedures of this section, and such finding of no material changed circumstance shall be deemed to satisfy the requirement of this paragraph for findings of the Commission. The decision not to make any such finding in lieu of the findings which would otherwise be required to be made under this paragraph shall not be subject to judicial review: *And provided further*, That nothing contained in

Post, p. 139.
Findings.

Judicial
review,
exception.

this section is intended to require the Commission independently to conduct or prohibit the Commission from independently conducting country or site specific visitations in the Commission's consideration of the application of IAEA safeguards.

"b. (1) Timely consideration shall be given by the Commission to requests for export licenses and exemptions and such requests shall be granted upon a determination that all applicable statutory requirements have been met.

"(2) If, after receiving the executive branch judgment that the issuance of a proposed export license will not be inimical to the common defense and security, the Commission does not issue the proposed license on a timely basis because it is unable to make the statutory determinations required under this Act, the Commission shall publicly issue its decision to that effect, and shall submit the license application to the President. The Commission's decision shall include an explanation of the basis for the decision and any dissenting or separate views. If, after receiving the proposed license application and reviewing the Commission's decision, the President determines that withholding the proposed export would be seriously prejudicial to the achievement of United States non-proliferation objectives, or would otherwise jeopardize the common defense and security, the proposed export may be authorized by Executive order: *Provided*, That prior to any such export, the President shall submit the Executive order, together with his explanation of why, in light of the Commission's decision, the export should nonetheless be made, to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g.) and shall be referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, but any such proposed export shall not occur if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that it does not favor the proposed export. Any such Executive order shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions: *And provided further*, That the procedures established pursuant to subsection (b) of section 304 of the Nuclear Non-Proliferation Act of 1978 shall provide that the Commission shall immediately initiate review of any application for a license under this section and to the maximum extent feasible shall expeditiously process the application concurrently with the executive branch review, while awaiting the final executive branch judgment. In initiating its review, the Commission may identify a set of concerns and requests for information associated with the projected issuance of such license and shall transmit such concerns and requests to the executive branch which shall address such concerns and requests in its written communications with the Commission. Such procedures shall also provide that if the Commission has not completed action on the application within sixty days after the receipt of an executive branch judgment that the proposed export or exemption is not inimical to the common defense and security or that any export in the category to which the proposed export belongs would not be inimical to the common defense and security because it lacks significance for nuclear explosive purposes, the Commission shall inform the applicant in writing of the reason for delay and provide follow-up reports as appropriate. If the Commission has not completed action by the end of an additional sixty days (a total of one hundred and twenty days from receipt of the executive branch judgment), the President may authorize the proposed export by Executive order, upon a finding that further delay would be excessive and upon making the findings required for such Presidential authorizations under this subsection, and subject to the Congressional review procedures set forth herein. However, if

Presidential review.

Report to Congress and congressional committees.

Post, p. 139.

Review.

Concerns and requests, transmittal to executive branch.

the Commission has commenced procedures for public participation regarding the proposed export under regulations promulgated pursuant to subsection (b) of section 304 of the Nuclear Non-Proliferation Act of 1978, or—within sixty days after receipt of the executive branch judgment on the proposed export—the Commission has identified and transmitted to the executive branch a set of additional concerns or requests for information, the President may not authorize the proposed export until sixty day after public proceedings are completed or sixty days after a full executive branch response to the Commission's additional concerns or requests has been made consistent with subsection a. (1) of this section: *Provided further*, That nothing in this section shall affect the right of the Commission to obtain data and recommendations from the Secretary of State at any time as provided in subsection a. (1) of this section.

Referral to
congressional
committees.

“c. In the event that the House of Representatives or the Senate passes a joint resolution which would adopt one or more additional export criteria, or would modify any existing export criteria under this Act, any such joint resolution shall be referred in the other House to the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, as the case may be, and shall be considered by the other House under applicable procedures provided for the consideration of resolutions pursuant to section 130 of this Act.”.

Post, p. 139.
Regulations.
42 U.S.C. 2155a

(b) Within one hundred and twenty days of the date of enactment of this Act, the Commission shall, after consultations with the Secretary of State, promulgate regulations establishing procedures (1) for the granting, suspending, revoking, or amending of any nuclear export license or exemption pursuant to its statutory authority; (2) for public participation in nuclear export licensing proceedings when the Commission finds that such participation will be in the public interest and will assist the Commission in making the statutory determinations required by the 1954 Act, including such public hearings and access to information as the Commission deems appropriate: *Provided*, That judicial review as to any such finding shall be limited to the determination of whether such finding was arbitrary and capricious; (3) for a public written Commission opinion accompanied by the dissenting or separate views of any Commissioner, in those proceedings where one or more Commissioners have dissenting or separate views on the issuance of an export license; and (4) for public notice of Commission proceedings and decisions, and for recording of minutes and votes of the Commission: *Provided further*, That until the regulations required by this subsection have been promulgated, the Commission shall implement the provisions of this Act under temporary procedures established by the Commission.

Hearings.
42 U.S.C. 2155a

(c) The procedures to be established pursuant to subsection (b) shall constitute the exclusive basis for hearings in nuclear export licensing proceedings before the Commission and, notwithstanding section 189 a. of the 1954 Act, shall not require the Commission to grant any person an on-the-record hearing in such a proceeding.

42 USC 2239.

Regulations.
42 U.S.C. 2156a

(d) Within sixty days of the date of enactment of this Act, the Commission shall, in consultation with the Secretary of State, the Secretary of Energy, the Secretary of Defense, and the Director, promulgate (and may from time to time amend) regulations establishing the levels of physical security which in its judgment are no less strict than those established by any international guidelines to which the United States subscribes and which in its judgment will provide adequate protection for facilities and material referred to in paragraph (3) of section 127 of the 1954 Act taking into consideration variations in risks to security as appropriate.

Post, p. 136.

CRITERIA GOVERNING UNITED STATES NUCLEAR EXPORTS

SEC. 305. Chapter 11 of the 1954 Act, as amended by section 304, is further amended by adding at the end thereof the following:

"SEC. 127 CRITERIA GOVERNING UNITED STATES NUCLEAR EXPORTS.— 42 U.S.C. 2156.

"The United States adopts the following criteria which, in addition to other requirements of law, will govern exports for peaceful nuclear uses from the United States of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology:

"(1) IAEA safeguards as required by Article III(2) of the Treaty will be applied with respect to any such material or facilities proposed to be exported, to any such material or facilities previously exported and subject to the applicable agreement for cooperation, and to any special nuclear material used in or produced through the use thereof.

"(2) No such material, facilities, or sensitive nuclear technology proposed to be exported or previously exported and subject to the applicable agreement for cooperation, and no special nuclear material produced through the use of such materials, facilities, or sensitive nuclear technology, will be used for any nuclear explosive device or for research on or development of any nuclear explosive device.

"(3) Adequate physical security measures will be maintained with respect to such material or facilities proposed to be exported and to any special nuclear material used in or produced through the use thereof. Following the effective date of any regulations promulgated by the Commission pursuant to section 304(d) of the Nuclear Non-Proliferation Act of 1978, physical security measures shall be deemed adequate if such measures provide a level of protection equivalent to that required by the applicable regulations.

"(4) No such materials, facilities, or sensitive nuclear technology proposed to be exported, and no special nuclear material produced through the use of such material, will be retransferred to the jurisdiction of any other nation or group of nations unless the prior approval of the United States is obtained for such retransfer. In addition to other requirements of law, the United States may approve such retransfer only if the nation or group of nations designated to receive such retransfer agrees that it shall be subject to the conditions required by this section.

"(5) No such material proposed to be exported and no special nuclear material produced through the use of such material will be reprocessed, and no irradiated fuel elements containing such material removed from a reactor shall be altered in form or content, unless the prior approval of the United States is obtained for such reprocessing or alteration.

"(6) No such sensitive nuclear technology shall be exported unless the foregoing conditions shall be applied to any nuclear material or equipment which is produced or constructed under the jurisdiction of the recipient nation or group of nations by or through the use of any such exported sensitive nuclear technology."

ADDITIONAL EXPORT CRITERION AND PROCEDURES

SEC. 306. Chapter 11 of the 1954 Act, as amended by sections 304 and 305, is further amended by adding at the end thereof the following:

"SEC. 128. ADDITIONAL EXPORT CRITERION AND PROCEDURES.— 42 U.S.C. 2157.

"a. (1) As a condition of continued United States export of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology to non-

nuclear-weapon states, no such export shall be made unless IAEA safeguards are maintained with respect to all peaceful nuclear activities in, under the jurisdiction of, or carried out under the control of such state at the time of the export.

"(2) The President shall seek to achieve adherence to the foregoing criterion by recipient non-nuclear-weapon states.

Export applications, criterion enforcement.

"b. The criterion set forth in subsection a. shall be applied as an export criterion with respect to any application for the export of materials, facilities, or technology specified in subsection a. which is filed after eighteen months from the date of enactment of this section, or for any such application under which the first export would occur at least twenty-four months after the date of enactment of this section, except as provided in the following paragraphs:

Report to congressional committees.

"(1) If the Commission or the Department of Energy, as the case may be, is notified that the President has determined that failure to approve an export to which this subsection applies because such criterion has not yet been met would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security, the license or authorization may be issued subject to other applicable requirements of law: *Provided*, That no such export of any production or utilization facility or of any source or special nuclear material (intended for use as fuel in any production or utilization facility) which has been licensed or authorized pursuant to this subsection shall be made to any non-nuclear-weapon state which has failed to meet such criterion until the first such license or authorization with respect to such state is submitted to the Congress (together with a detailed assessment of the reasons underlying the President's determination, the judgment of the executive branch required under section 126 of this Act, and any Commission opinion and views) for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, but such export shall not occur if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that the Congress does not favor the proposed export. Any such license or authorization shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.

Ante, p. 131.

Post, p. 139.

Congressional disapproval, resolution.

"(2) If the Congress adopts a resolution of disapproval pursuant to paragraph (1), no further export of materials, facilities, or technology specified in subsection a. shall be permitted for the remainder of that Congress, unless such state meets the criterion or the President notifies the Congress that he has determined that significant progress has been made in achieving adherence to such criterion by such state or that United States foreign policy interests dictate reconsideration and the Congress, pursuant to the procedure of paragraph (1), does not adopt a concurrent resolution stating in substance that it disagrees with the President's determination.

Export authorizations, congressional review.

"(3) If the Congress does not adopt a resolution of disapproval with respect to a license or authorization submitted pursuant to paragraph (1), the criterion set forth in subsection a. shall not be applied as an export criterion with respect to exports of materials, facilities and technology specified in subsection a. to that state: *Provided*, That the first license or authorization with respect to that state which is issued pursuant to this paragraph after twelve months from the elapse of the sixty-day period specified in paragraph (1), and the first such license or authorization which is issued

after each twelve-month period thereafter, shall be submitted to the Congress for review pursuant to the procedures specified in paragraph (1) : *Provided further*, That if the Congress adopts a resolution of disapproval during any review period provided for by this paragraph, the provisions of paragraph (2) shall apply with respect to further exports to such state.”.

CONDUCT RESULTING IN TERMINATION OF NUCLEAR EXPORTS

Sec. 307. Chapter 11 of the 1954 Act, as amended by sections 304, 305, and 306, is further amended by adding at the end thereof :

“Sec. 129. CONDUCT RESULTING IN TERMINATION OF NUCLEAR EXPORTS.—

“No nuclear materials and equipment or sensitive nuclear technology shall be exported to—

“(1) any non-nuclear-weapon state that is found by the President to have, at any time after the effective date of this section,

“(A) detonated a nuclear explosive device; or

“(B) terminated or abrogated IAEA safeguards; or

“(C) materially violated an IAEA safeguards agreement; or

“(D) engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President's judgment, represent sufficient progress toward terminating such activities; or

“(2) any nation or group of nations that is found by the President to have, at any time after the effective date of this section,

“(A) materially violated an agreement for cooperation with the United States, or, with respect to material or equipment not supplied under an agreement for cooperation, materially violated the terms under which such material or equipment was supplied or the terms of any commitments obtained with respect thereto pursuant to section 402(a) of the Nuclear Non-Proliferation Act of 1978; or

“(B) assisted, encouraged, or induced any non-nuclear-weapon state to engage in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President's judgment, represent sufficient progress toward terminating such assistance, encouragement, or inducement; or

“(C) entered into an agreement after the date of enactment of this section for the transfer of reprocessing equipment, materials, or technology to the sovereign control of a non-nuclear-weapon state except in connection with an international fuel cycle evaluation in which the United States is a participant or pursuant to a subsequent international agreement or understanding to which the United States subscribes;

unless the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security: *Provided*, That prior to the effective date of any such determination, the President's determination, together with a report containing the reasons for his determination, shall be submitted to the Congress and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate for a period of

Export
terminations,
criterion.
42 U.S.C. 2158.

Report to
Congress.

Infra.

sixty days of continuous session (as defined in subsection 130 g. of this Act), but any such determination shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that it does not favor the determination. Any such determination shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.”.

CONGRESSIONAL REVIEW PROCEDURES

SEC. 308. Chapter 11 of the 1954 Act, as amended by sections 304, 305, 306, and 307, is further amended by adding at the end thereof the following:

“SEC. 130. CONGRESSIONAL REVIEW PROCEDURES.—

“a. Not later than forty-five days of continuous session of Congress after the date of transmittal to the Congress of any submission of the President required by subsection 123 d., 126 a. (2), 126 b. (2), 128 b., 129, 131 a. (3), or 131 f. (1) (A) of this Act, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, shall each submit a report to its respective House on its views and recommendations respecting such Presidential submission together with a resolution, as defined in subsection f., stating in substance that the Congress approves or disapproves such submission, as the case may be: *Provided*, That if any such committee has not reported such a resolution at the end of such forty-five day period, such committee shall be deemed to be discharged from further consideration of such submission and if, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c. of this Act, the other relevant committee of that House has reported such a resolution, such committee shall be deemed discharged from further consideration of that resolution. If no such resolution has been reported at the end of such period, the first resolution, as defined in subsection f., which is introduced within five days thereafter within such House shall be placed on the appropriate calendar of such House.

“b. When the relevant committee or committees have reported such a resolution (or have been discharged from further consideration of such a resolution pursuant to subsection a.) or when a resolution has been introduced and placed on the appropriate calendar pursuant to subsection a., as the case may be, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

“c. Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to a motion to postpone, or a motion to recommit the resolution, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the

42 U.S.C. 2159.
Congressional
committee
reports.

Post, p. 142.
Ante, pp. 131,
137, 138, 127.

42 U.S.C. 2121,
2164.

resolution is agreed to or disagreed to shall not be in order. No amendment to any concurrent resolution pursuant to the procedures of this section is in order except as provided in subsection d.

"d. Immediately following (1) the conclusion of the debate on such concurrent resolution, (2) a single quorum call at the conclusion of debate if requested in accordance with the rules of the appropriate House, and (3) the consideration of an amendment introduced by the Majority Leader or his designee to insert the phrase, 'does not' in lieu of the word 'does' if the resolution under consideration is a concurrent resolution of approval, the vote on final approval of the resolution shall occur.

"e. Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such a resolution shall be decided without debate.

"f. For the purposes of subsections a. through e. of this section, the term 'resolution' means a concurrent resolution of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress (does or does not) favor the transmission to the Congress by the President on _____, _____, the blank spaces therein to be appropriately filled, and the affirmative or negative phrase within the parenthetical to be appropriately selected.

"Resolution."

"g. For the purposes of this section—

"(1) continuity of session is broken only by an adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

Continuous sessions of Congress, computation.

"h. This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by subsection f. of this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House."

COMPONENT AND OTHER PARTS OF FACILITIES

SEC. 309. (a) Section 109 of the 1954 Act is amended to read as follows: 42 U.S.C. 2139.

"SEC. 109. COMPONENT AND OTHER PARTS OF FACILITIES.—

"a. With respect to those utilization and production facilities which are so determined by the Commission pursuant to subsection 11 v. (2) or 11 cc. (2) the Commission may issue general licenses for domestic activities required to be licensed under section 101, if the Commission determines in writing that such general licensing will not constitute an unreasonable risk to the common defense and security. Domestic activities licenses, issuance authorization. 42 U.S.C. 2139.

"b. After consulting with the Secretaries of State, Energy, and Commerce and the Director, the Commission is authorized and directed to determine which component parts as defined in subsection 11 v. (2) or 11 cc. (2) and which other items or substances are especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes. Except as provided in section 126 b. (2), no such component, substance, or item which is so determined by the Commission shall be exported unless the Commission issues a general or specific license Export licenses. Ante, p. 131.

for its export after finding, based on a reasonable judgment of the assurances provided and other information available to the Federal Government, including the Commission, that the following criteria or their equivalent are met: (1) IAEA safeguards as required by Article III (2) of the Treaty will be applied with respect to such component, substance, or item; (2) no such component, substance, or item will be used for any nuclear explosive device or for research on or development of any nuclear explosive device; and (3) no such component, substance, or item will be retransferred to the jurisdiction of any other nation or group of nations unless the prior consent of the United States is obtained for such retransfer; and after determining in writing that the issuance of each such general or specific license or category of licenses will not be inimical to the common defense and security: *Provided*, That a specific license shall not be required for an export pursuant to this section if the component, item or substance is covered by a facility license issued pursuant to section 126 of this Act.

"c. The Commission shall not issue an export license under the authority of subsection b. if it is advised by the executive branch, in accordance with the procedures established under subsection 126 a., that the export would be inimical to the common defense and security of the United States."

Regulations.
42 U.S.C. 2139a

Supra.

Export control
procedures,
Presidential
publications.
42 U.S.C. 2139a

(b) The Commission, not later than one hundred and twenty days after the date of the enactment of this Act, shall publish regulations to implement the provisions of subsections b. and c. of section 109 of the 1954 Act. Among other things, these regulations shall provide for the prior consultation by the Commission with the Department of State, the Department of Energy, the Department of Defense, the Department of Commerce, and the Arms Control and Disarmament Agency.

(c) The President, within not more than one hundred and twenty days after the date of enactment of this Act, shall publish procedures regarding the control by the Department of Commerce over all export items, other than those licensed by the Commission, which could be, if used for purposes other than those for which the export is intended, of significance for nuclear explosive purposes. Among other things, these procedures shall provide for prior consultations, as required, by the Department of Commerce with the Department of State, the Arms Control and Disarmament Agency, the Commission, the Department of Energy, and the Department of Defense.

Savings
provisions.
42 U.S.C. 2139
note.
Ante, p. 141.

(d) The amendments to section 109 of the 1954 Act made by this section shall not affect the approval of exports contracted for prior to November 1, 1977, which are made within one year of the date of enactment of such amendments.

TITLE IV—NEGOTIATION OF FURTHER EXPORT CONTROLS

COOPERATION WITH OTHER NATIONS

42 U.S.C. 2153.

SEC. 401. Section 123 of the 1954 Act is amended to read as follows:

"SEC. 123. COOPERATION WITH OTHER NATIONS.—

42 U.S.C. 2073,
2074, 2077,
2094, 2112,
2121, 2133,
2134, 2164.

Cooperative
agreements,
submittal to
President.
Contents.

"No cooperation with any nation, group of nations or regional defense organizations pursuant to section 53, 54 a., 57, 64, 82, 91, 103, 104, or 144 shall be undertaken until—

"a. the proposed agreement for cooperation has been submitted to the President, which proposed agreement shall include the terms, conditions, duration, nature, and scope of the cooperation; and shall include the following requirements:

"(1) a guaranty by the cooperating party that safeguards as set forth in the agreement for cooperation will

be maintained with respect to all nuclear materials and equipment transferred pursuant thereto, and with respect to all special nuclear material used in or produced through the use of such nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating party, irrespective of the duration of other provisions in the agreement or whether the agreement is terminated or suspended for any reason;

"(2) in the case of non-nuclear-weapon states, a requirement, as a condition of continued United States nuclear supply under the agreement for cooperation, that IAEA safeguards be maintained with respect to all nuclear materials in all peaceful nuclear activities within the territory of such state, under its jurisdiction, or carried out under its control anywhere;

"(3) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c., a guaranty by the cooperating party that no nuclear materials and equipment or sensitive nuclear technology to be transferred pursuant to such agreement, and no special nuclear material produced through the use of any nuclear materials and equipment or sensitive nuclear technology transferred pursuant to such agreement, will be used for any nuclear explosive device, or for research on or development of any nuclear explosive device, or for any other military purpose;

"(4) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c. and agreements for cooperation with nuclear-weapon states, a stipulation that the United States shall have the right to require the return of any nuclear materials and equipment transferred pursuant thereto and any special nuclear material produced through the use thereof if the cooperating party detonates a nuclear explosive device or terminates or abrogates an agreement providing for IAEA safeguards;

"(5) a guaranty by the cooperating party that any material or any Restricted Data transferred pursuant to the agreement for cooperation and, except in the case of agreements arranged pursuant to subsection 91 c., 144 b., or 144 c., any production or utilization facility transferred pursuant to the agreement for cooperation or any special nuclear material produced through the use of any such facility or through the use of any material transferred pursuant to the agreement, will not be transferred to unauthorized persons or beyond the jurisdiction or control of the cooperating party without the consent of the United States;

42 U.S.C. 2121,
2164.

"(6) a guaranty by the cooperating party that adequate physical security will be maintained with respect to any nuclear material transferred pursuant to such agreement and with respect to any special nuclear material used in or produced through the use of any material, production facility, or utilization facility transferred pursuant to such agreement;

"(7) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., a guaranty by the cooperating party that no material transferred pursuant to the agreement for cooperation and no material used in or produced through the use of any material, production facility, or utilization facility transferred pursuant to the agreement for cooperation will be reprocessed, enriched or (in the case of plutonium, uranium 233, or uranium enriched to greater

than twenty percent in the isotope 235, or other nuclear materials which have been irradiated) otherwise altered in form or content without the prior approval of the United States;

"(8) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., a guaranty by the cooperating party that no plutonium, no uranium 233, and no uranium enriched to greater than twenty percent in the isotope 235, transferred pursuant to the agreement for cooperation, or recovered from any source or special nuclear material so transferred or from any source or special nuclear material used in any production facility or utilization facility transferred pursuant to the agreement for cooperation, will be stored in any facility that has not been approved in advance by the United States; and

"(9) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., a guaranty by the cooperating party that any special nuclear material, production facility, or utilization facility produced or constructed under the jurisdiction of the cooperating party by or through the use of any sensitive nuclear technology transferred pursuant to such agreement for cooperation will be subject to all the requirements specified in this subsection.

Agreement
requirements,
Presidential
exemptions.

Proposed
cooperation
agreements,
submittal to
President.
Nuclear
Proliferation
Assessment
Statement,
submitted to
President.
42 U.S.C. 2121,
2164.

The President may exempt a proposed agreement for operation (except an agreement arranged pursuant to subsection 91 c., 144 b., or 144 c.) from any of the requirements of the foregoing sentence if he determines that inclusion of any such requirement would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security. Except in the case of those agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., any proposed agreement for cooperation shall be negotiated by the Secretary of State, with the technical assistance and concurrence of the Secretary of Energy and in consultation with the Director of the Arms Control and Disarmament Agency ("the Director"); and after consultation with the Commission shall be submitted to the President jointly by the Secretary of State and the Secretary of Energy accompanied by the views and recommendations of the Secretary of State, the Secretary of Energy, the Nuclear Regulatory Commission, and the Director, who shall also provide to the President an unclassified Nuclear Proliferation Assessment Statement regarding the adequacy of the safeguards and other control mechanisms and the peaceful use assurances contained in the agreement for cooperation to ensure that any assistance furnished thereunder will not be used to further any military or nuclear explosive purpose. In the case of those agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., any proposed agreement for cooperation shall be submitted to the President by the Secretary of Energy or, in the case of those agreements for cooperation arranged pursuant to subsection 91 c. or 144 b. which are to be implemented by the Department of Defense, by the Secretary of Defense;

"b. the President has approved and authorized the execution of the proposed agreement for cooperation and has made a determination in writing that the performance of the proposed agreement will promote, and will not constitute an unreasonable risk to, the common defense and security;

"c. the proposed agreement for cooperation (if not an agreement subject to subsection d.), together with the approval and determination of the President, has been submitted to the Committee on International Relations of the House

Submittal to
congressional
committees.

of Representatives and the Committee on Foreign Relations of the Senate for a period of thirty days of continuous session (as defined in subsection 130 g.): *Provided, however*, That these committees, after having received such agreement for cooperation, may by resolution in writing waive the conditions of all or any portion of such thirty-day period; and

Ante, p. 139.

"d. the proposed agreement for cooperation (if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of section 53, 54 a., 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith) has been submitted to the Congress, together with the approval and determination of the President, for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, but such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that the Congress does not favor the proposed agreement for cooperation: *Provided*, That the sixty-day period shall not begin until a Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency, when required by subsection 123 a., has been submitted to the Congress. Any such proposed agreement for cooperation shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.

42 U.S.C. 2073,
2074, 2133,
2134.

Ante, p. 142.

Ante, p. 139.

"Following submission of a proposed agreement for cooperation (except an agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c.) to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, the Nuclear Regulatory Commission, the Department of State, the Department of Energy, the Arms Control and Disarmament Agency, and the Department of Defense shall, upon the request of either of those committees, promptly furnish to those committees their views as to whether the safeguards and other controls contained therein provide an adequate framework to ensure that any exports as contemplated by such agreement will not be inimical to or constitute an unreasonable risk to the common defense and security.

Agency views
to congressional
committees.
42 U.S.C. 2121,
2164.

"If, after the date of enactment of the Nuclear Non-Proliferation Act of 1978, the Congress fails to disapprove a proposed agreement for cooperation which exempts the recipient nation from the requirement set forth in subsection 123 a. (2), such failure to act shall constitute a failure to adopt a resolution of disapproval pursuant to subsection 128 b. (3) for purposes of the Commission's consideration of applications and requests under section 126 a. (2) and there shall be no congressional review pursuant to section 128 of any subsequent license or authorization with respect to that state until the first such license or authorization which is issued after twelve months from the elapse of the sixty-day period in which the agreement for cooperation in question is reviewed by the Congress."

Ante, p. 137.

Ante, p. 131.

ADDITIONAL REQUIREMENTS

SEC. 402. (a) Except as specifically provided in any agreement for cooperation, no source or special nuclear material hereafter exported from the United States may be enriched after export without the prior approval of the United States for such enrich-

Nuclear
material
enrichment,
approval.
42 U.S.C. 2153a

Ante, p. 127.

Enrichment
facility
components,
export
prohibition.
42 U.S.C. 2121,
2164.

"Major critical
component."

ment: *Provided*, That the procedures governing such approvals shall be identical to those set forth for the approval of proposed subsequent arrangements under section 131 of the 1954 Act, and any commitments from the recipient which the Secretary of Energy and the Secretary of State deem necessary to ensure that such approval will be obtained prior to such enrichment shall be obtained prior to the submission of the executive branch judgment regarding the export in question and shall be set forth in such submission: *And provided further*, That no source or special nuclear material shall be exported for the purpose of enrichment or reactor fueling to any nation or group of nations which has, after the date of enactment of this Act, entered into a new or amended agreement for cooperation with the United States, except pursuant to such agreement.

(b) In addition to other requirements of law, no major critical component of any uranium enrichment, nuclear fuel reprocessing, or heavy water production facility shall be exported under any agreement for cooperation (except an agreement for cooperation pursuant to subsection 91 c., 144 b., or 144 c. of the 1954 Act) unless such agreement for cooperation specifically designates such components as items to be exported pursuant to the agreement for cooperation. For purposes of this subsection, the term "major critical component" means any component part or group of component parts which the President determines to be essential to the operation of a complete uranium enrichment, nuclear fuel reprocessing, or heavy water production facility.

PEACEFUL NUCLEAR ACTIVITIES

Export policies.
42 U.S.C. 2153b

SEC. 403. The President shall take immediate and vigorous steps to seek agreement from all nations and groups of nations to commit themselves to adhere to the following export policies with respect to their peaceful nuclear activities and their participation in international nuclear trade:

(a) No nuclear materials and equipment and no sensitive nuclear technology within the territory of any nation or group of nations, under its jurisdiction, or under its control anywhere will be transferred to the jurisdiction of any other nation or group of nations unless the nation or group of nations receiving such transfer commits itself to strict undertakings including, but not limited to, provisions sufficient to ensure that—

(1) no nuclear materials and equipment and no nuclear technology in, under the jurisdiction of, or under the control of any non-nuclear-weapon state, shall be used for nuclear explosive devices for any purpose or for research on or development of nuclear explosive devices for any purpose, except as permitted by Article V, the Treaty:

(2) IAEA safeguards will be applied to all peaceful nuclear activities in, under the jurisdiction of, or under the control of any non-nuclear-weapon state;

(3) adequate physical security measures will be established and maintained by any nation or group of nations on all of its nuclear activities;

(4) no nuclear materials and equipment and no nuclear technology intended for peaceful purposes in, under the jurisdiction of, or under the control of any nation or group of nations shall be transferred to the jurisdiction of any other nation or group of nations which does not agree to stringent undertakings meeting the objectives of this section; and

(5) no nation or group of nations will assist, encourage, or induce any non-nuclear-weapon state to manufacture or otherwise acquire any nuclear explosive device.

(b) (1) No source or special nuclear material within the territory of any nation or group of nations, under its jurisdiction, or under its control anywhere will be enriched (as described in paragraph aa. (2) of section 11 of the 1954 Act) or reprocessed, no irradiated fuel elements containing such material which are to be removed from a reactor will be altered in form or content, and no fabrication or stockpiling involving plutonium, uranium 233, or uranium enriched to greater than 20 percent in the isotope 235 shall be performed except in a facility under effective international auspices and inspection, and any such irradiated fuel elements shall be transferred to such a facility as soon as practicable after removal from a reactor consistent with safety requirements. Such facilities shall be limited in number to the greatest extent feasible and shall be carefully sited and managed so as to minimize the proliferation and environmental risks associated with such facilities. In addition, there shall be conditions to limit the access of non-nuclear-weapon states other than the host country to sensitive nuclear technology associated with such facilities.

Enriched nuclear material and sources, prohibition. Proposed international agreements. 42 U.S.C. 2014.

(2) Any facilities within the territory of any nation or group of nations, under its jurisdiction, or under its control anywhere for the necessary short-term storage of fuel elements containing plutonium, uranium 233, or uranium enriched to greater than 20 percent in the isotope 235 prior to placement in a reactor or of irradiated fuel elements prior to transfer as required in subparagraph (1) shall be placed under effective international auspices and inspection.

Enriched nuclear material, short-term storage. International inspection.

(c) Adequate physical security measures will be established and maintained with respect to all nuclear activities within the territory of each nation and group of nations, under its jurisdiction, or under its control anywhere, and with respect to any international shipment of significant quantities of source or special nuclear material or irradiated source or special nuclear material, which shall also be conducted under international safeguards.

(d) Nothing in this section shall be interpreted to require international control or supervision of any United States military activities.

RENEGOTIATION OF AGREEMENTS FOR COOPERATION

SEC. 404. (a) The President shall initiate a program immediately to renegotiate agreements for cooperation in effect on the date of enactment of this Act, or otherwise to obtain the agreement of parties to such agreements for cooperation to the undertakings that would be required for new agreements under the 1954 Act. To the extent that an agreement for cooperation in effect on the date of enactment of this Act with a cooperating party contains provisions equivalent to any or all of the criteria set forth in section 127 of the 1954 Act with respect to materials and equipment transferred pursuant thereto or with respect to any special nuclear material used in or produced through the use of any such material or equipment, any renegotiated agreement with that cooperating party shall continue to contain an equivalent provision with respect to such transferred materials and equipment and such special nuclear material. To the extent that an agreement for cooperation in effect on the date of enactment of this Act with a cooperating party does not contain provisions with respect to any nuclear materials and equipment which have previously been transferred under an agreement for cooperation with the United States and which are under the jurisdiction or control of the cooperating party and with respect to any special

42 U.S.C. 2153c

Ante, p. 136.

Ante, p. 142.

Export
agreement
conditions and
policy, goals,
Presidential
review.
Ante, p. 142.

Presidential
export criteria
proposals,
submittal to
Congress.

nuclear material which is used in or produced through the use thereof and which is under the jurisdiction or control of the co-operating party, which are equivalent to any or all of those required for new and amended agreements for cooperation under section 123 a. of the 1954 Act, the President shall vigorously seek to obtain the application of such provisions with respect to such nuclear materials and equipment and such special nuclear material. Nothing in this Act or in the 1954 Act shall be deemed to relinquish any rights which the United States may have under any agreement for cooperation in force on the date of enactment of this Act.

(b) The President shall annually review each of requirements (1) through (9) set forth for inclusion in agreements for cooperation under section 123 a. of the 1954 Act and the export policy goals set forth in section 401 to determine whether it is in the interest of United States non-proliferation objectives for any such requirements or export policies which are not already being applied as export criteria to be enacted as additional export criteria.

(c) If the President proposes enactment of any such requirements or export policies as additional export criteria or to take any other action with respect to such requirements or export policy goals for the purpose of encouraging adherence by nations and groups of nations to such requirements and policies, he shall submit such a proposal together with an explanation thereof to the Congress.

(d) If the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, after reviewing the President's annual report or any proposed legislation, determines that it is in the interest of United States nonproliferation objectives to take any action with respect to such requirements or export policy goals, it shall report a joint resolution to implement such determination. Any joint resolution so reported shall be considered in the Senate and the House of Representatives, respectively, under applicable procedures provided for the consideration of resolutions pursuant to subsection 130 b. through g. of the 1954 Act.

Ante, p. 139.

AUTHORITY TO CONTINUE AGREEMENTS

Savings
provision.
42 U.S.C. 2153d

SEC. 405. (a) The amendments to section 123 of the 1954 Act made by this Act shall not affect the authority to continue cooperation pursuant to agreements for cooperation entered into prior to the date of enactment of this Act.

(b) Nothing in this Act shall affect the authority to include dispute settlement provisions, including arbitration, in any agreement made pursuant to an Agreement for Cooperation.

REVIEW

42 U.S.C. 2160a

SEC. 406. No court or regulatory body shall have any jurisdiction under any law to compel the performance of or to review the adequacy of the performance of any Nuclear Proliferation Assessment Statement called for in this Act or in the 1954 Act.

PROTECTION OF THE ENVIRONMENT

42 U.S.C. 2153e

SEC. 407. The President shall endeavor to provide in any agreement entered into pursuant to section 123 of the 1954 Act for cooperation between the parties in protecting the international environment from radioactive, chemical or thermal contamination arising from peaceful nuclear activities.

TITLE V—UNITED STATES ASSISTANCE TO DEVELOPING COUNTRIES

POLICY; REPORT

Sec. 501. The United States shall endeavor to cooperate with other nations, international institutions, and private organizations in establishing programs to assist in the development of non-nuclear energy resources, to cooperate with both developing and industrialized nations in protecting the international environment from contamination arising from both nuclear and non-nuclear energy activities, and shall seek to cooperate with and aid developing countries in meeting their energy needs through the development of such resources and the application of non-nuclear technologies consistent with the economic factors, the material resources of those countries, and environmental protection. The United States shall additionally seek to encourage other industrialized nations and groups of nations to make commitments for similar cooperation and aid to developing countries. The President shall report annually to Congress on the level of other nations' and groups of nations' commitments under such program and the relation of any such commitments to United States efforts under this title. In cooperating with and providing such assistance to developing countries, the United States shall give priority to parties to the Treaty.

Nuclear and non-nuclear energy, resource development.
22 U.S.C. 3261.

Presidential report to Congress.

PROGRAMS

Sec. 502. (a) The United States shall initiate a program, consistent with the aims of section 501, to cooperate with developing countries for the purpose of—

Developing countries, energy development programs.

(1) meeting the energy needs required for the development of such countries;

(2) reducing the dependence of such countries on petroleum fuels, with emphasis given to utilizing solar and other renewable energy resources; and

(3) expanding the energy alternatives available to such countries.

(b) Such program shall include cooperation in evaluating the energy alternatives of developing countries, facilitating international trade in energy commodities, developing energy resources, and applying suitable energy technologies. The program shall include both general and country-specific energy assessments and cooperative projects in resource exploration and production, training, research and development.

Assessment and cooperative projects.

(c) As an integral part of such program, the Department of Energy, under the general policy guidance of the Department of State and in cooperation with the Agency for International Development and other Federal agencies as appropriate, shall initiate, as soon as practicable, a program for the exchange of United States scientists, technicians, and energy experts with those of developing countries to implement the purposes of this section.

Experts, exchange.

(d) For the purposes of carrying out this section, there is authorized to be appropriated such sums as are contained in annual authorization Acts for the Department of Energy, including such sums which have been authorized for such purposes under previous legislation.

Appropriation authorization.

(e) Under the direction of the President, the Secretary of State shall ensure the coordination of the activities authorized by this title with other related activities of the United States conducted abroad, including the programs authorized by sections 103(c), 106(a) (2), and 119 of the Foreign Assistance Act of 1961.

22 U.S.C. 2151a
2151d, 2151q.

REPORT

Presidential
report to
Congress.
22 U.S.C. 3262
note.

SEC. 503. Not later than twelve months after the date of enactment of this Act, the President shall report to the Congress on the feasibility of expanding the cooperative activities established pursuant to section 502 (c) into an international cooperative effort to include a scientific peace corps designed to encourage large numbers of technically trained volunteers to live and work in developing countries for varying periods of time for the purpose of engaging in projects to aid in meeting the energy needs of such countries through the search for and utilization of indigenous energy resources and the application of suitable technology, including the widespread utilization of renewable and unconventional energy technologies. Such report shall also include a discussion of other mechanisms to conduct a coordinated international effort to develop, demonstrate, and encourage the utilization of such technologies in developing countries.

TITLE VI—EXECUTIVE REPORTING

REPORTS OF THE PRESIDENT

Governmental
nuclear non-
proliferation
activities.
22 U.S.C. 3281.

SEC. 601. (a) The President shall review all activities of Government departments and agencies relating to preventing proliferation and shall make a report to Congress in January of 1979 and annually in January of each year thereafter on the Government's efforts to prevent proliferation. This report shall include but not be limited to—

(1) a description of the progress made toward—

(A) negotiating the initiatives contemplated in sections 104 and 105 of this Act;

(B) negotiating the international arrangements or other mutual undertakings contemplated in section 403 of this Act;

(C) encouraging non-nuclear-weapons states that are not party to the Treaty to adhere to the Treaty or, pending such adherence, to enter into comparable agreements with respect to safeguards and to forswear the development of any nuclear explosive devices, and discouraging nuclear exports to non-nuclear-weapon states which have not taken such steps;

(D) strengthening the safeguards of the IAEA as contemplated in section 201 of this Act; and

(E) renegotiating agreements for cooperation as contemplated in section 404 (a) of this Act;

(2) an assessment of the impact of the progress described in paragraph (1) on the non-proliferation policy of the United States; an explanation of the precise reasons why progress has not been made on any particular point and recommendations with respect to appropriate measures to encourage progress; and a statement of what legislative modifications, if any, are necessary in his judgment to achieve the non-proliferation policy of the United States;

(3) a determination as to which non-nuclear-weapon states with which the United States has an agreement for cooperation in effect or under negotiation, if any, have—

(A) detonated a nuclear device; or

(B) refused to accept the safeguards of the IAEA on all of their peaceful nuclear activities; or

(C) refused to give specific assurances that they will not manufacture or otherwise acquire any nuclear explosive device; or

(D) engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices;

(4) an assessment of whether any of the policies set forth in this Act have, on balance, been counterproductive from the standpoint of preventing proliferation; and

(5) a description of the progress made toward establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses in order to enhance the reliability of the United States in meeting its commitments to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies.

(b) In the first report required by this section, the President shall analyze each civil agreement for cooperation negotiated pursuant to section 123 of the 1954 Act, and shall discuss the scope and adequacy of the requirements and obligations relating to safeguards and other controls therein.

Current civil agreements, analysis.

ADDITIONAL REPORTS

Sec. 602. (a) The annual reports to the Congress by the Commission and the Department of Energy which are otherwise required by law shall also include views and recommendations regarding the policies and actions of the United States to prevent proliferation which are the statutory responsibility of those agencies. The Department's report shall include a detailed analysis of the proliferation implications of advanced enrichment and reprocessing techniques, advanced reactors, and alternative nuclear fuel cycles. This part of the report shall include a comprehensive version which includes any relevant classified information and a summary unclassified version.

Reports to Congress. Governmental nuclear non-proliferation activities. 22 U.S.C. 3282.

(b) The reporting requirements of this title are in addition to and not in lieu of any other reporting requirements under applicable law.

(c) The Department of State, the Arms Control and Disarmament Agency, the Department of Commerce, the Department of Energy, and the Commission shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on International Relations of the House of Representatives fully and currently informed with respect to their activities to carry out the purposes and policies of this Act and to otherwise prevent proliferation, and with respect to the current activities of foreign nations which are of significance from the proliferation standpoint.

(d) Any classified portions of the reports required by this Act shall be submitted to the Senate Foreign Relations Committee and the House International Relations Committee.

(e) Three years after enactment of this Act, the Comptroller General shall complete a study and report to the Congress on the implementation and impact of this Act on the nuclear non-proliferation policies, purposes, and objectives of this Act. The Secretaries of State, Energy, Defense, and Commerce and the Commission and the Director shall cooperate with the Comptroller General in the conduct of the study. The report shall contain such recommendations as the Comptroller General deems necessary to support the nuclear non-proliferation policies, purposes, and objectives of this Act.

Report to Congress. Nuclear non-proliferation policies, study.

SAVING CLAUSE

Sec. 603. (a) All orders, determinations, rules, regulations, permits, contracts, agreements, certificates, licenses, and privileges—

42 U.S.C. 2153f

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are the subject of this Act, by (i) any agency or officer, or part thereof, in exercising the functions which are affected by this Act, or (ii) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed as the case may be, by the parties thereto or by any court of competent jurisdiction.

42 U.S.C. 2153f

42 U.S.C. 2121,
2164.

Effective date.
22 U.S.C. 3201
note.

(b) Nothing in this Act shall affect the procedures or requirements applicable to agreements for cooperation entered into pursuant to sections 91 c., 144 b., or 144 c. of the 1954 Act or arrangements pursuant thereto as it was in effect immediately prior to the date of enactment of this Act.

(c) Except where otherwise provided, the provisions of this Act shall take effect immediately upon enactment regardless of any requirement for the promulgation of regulations to implement such provisions.

Approved March 10, 1978.

Legislative History : See appendix 3.

APPENDIX 12

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976

(90 Stat. 729)

[PUBLIC LAW 94-329]

[H.R. 13680]

[JUNE 30, 1976]

AN ACT

To amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Security Assistance and Arms Export Control Act of 1976".

International
Security As-
sistance and
Arms Export
Control Act of
1976.

* * * * *

TITLE III—GENERAL LIMITATIONS

22 U.S.C. 2151
note.

* * * * *

NUCLEAR TRANSFERS

SEC. 305. Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 669. NUCLEAR TRANSFERS.—(a) Except as provided in subsection (b), no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of—

22 U.S.C. 2429.

"(1) providing economic assistance;

"(2) providing military or security supporting assistance or military education and training; or

"(3) extending military credits or making guarantees; to any country which—

"(A) delivers nuclear reprocessing or enrichment equipment, materials, or technology to any other country; or

"(B) receives such equipment, materials or technology from any other country; unless before such delivery—

"(i) the supplying country and receiving country have reached agreement to place all such equipment, materials, and technology, upon delivery, under multilateral auspices and management when available; and

"(ii) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency.

"(b) (1) Notwithstanding the provisions of subsection (a) of this section, the President may, by Executive order effective not

less than 30 days following its date of promulgation, furnish assistance which would otherwise be prohibited under paragraph (1), (2), or (3) of such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that—

“(A) the termination of such assistance would have a serious adverse effect on vital United States interests; and

“(B) he has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so.

Such certification shall set forth the reasons supporting such determination in each particular case.

“(2) (A) The Congress may by joint resolution terminate or restrict assistance described in paragraphs (1) through (3) of subsection (a) with respect to a country to which the prohibition in such subsection applies or take any other action with respect to such assistance for such country as it deems appropriate.

“(B) Any such joint resolution with respect to a country shall, if introduced within 30 days after the transmittal of a certification under paragraph (1) with respect to such country, be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.”.

* * * * *

TITLE V—MISCELLANEOUS AUTHORIZATIONS

* * * * *

AUTHORIZATION FOR INTERNATIONAL ATOMIC ENERGY AGENCY

22 U.S.C. 2222.

SEC. 505. Section 302 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

“(i) In addition to amounts otherwise available under this section, there are authorized to be appropriated for fiscal year 1976 \$1,000,000 and for fiscal year 1977 \$2,000,000 to be available only for the International Atomic Energy Agency to be used for the purpose of strengthening safeguards and inspections relating to nuclear fissile facilities and materials. Amounts appropriated under this subsection are authorized to remain available until expended.”.

* * * * *

APPENDIX 13

NONPROLIFERATION TREATY

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities.

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points.

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States, to the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the cooperation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control.

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.

3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article either individually or together with other States in accordance with the Statute of International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or

together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate, at the cities of Washington, London and Moscow, this first day of July one thousand nine hundred sixty-eight.

LEGISLATIVE HISTORY

Message from the President transmitting treaty to the Senate, July 9, 1968 (Document Executive H, 90th Cong., second sess.).

Referred to the Senate Committee on Foreign Relations, July 9, 1968.

Hearings (public) held before Senate Committee on Foreign Relations jointly with Senate members of Joint Committee on Atomic Energy, July 10-12 and 17, 1968; published under the title "Nonproliferation Treaty."

Reported by Senate Committee on Foreign Relations, September 26, 1968 (Ex. Rept. No. 9, 90th Cong., second sess.).

Further hearings (public) held before Senate Committee on Foreign Relations, February 18 and 20, 1969; published under the title "Nonproliferation Treaty, Part 2."

Advice and consent to ratification given by Senate: March 13, 1969.

Treaty ratified by President: March 5, 1970.

Treaty proclaimed by President: March 5, 1970. 21 U.S.T. 483, TIAS 6839.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS—LIST OF COUNTRIES SIGNING WITH DATES OF SIGNATURE AND OF DEPOSIT, IF APPLICABLE (AS OF DECEMBER 31, 1978)

Country	Date of signature	Date of deposit of ratification	Date of deposit of accession
Afghanistan	July 1, 1968	Feb. 4, 1970	
Australia	¹ Feb. 27, 1970	Jan. 23, 1973	
Austria	July 1, 1968	June 27, 1969	
Bahamas, the			Aug. 11, 1976
Barbados	July 1, 1968		
Belgium	Aug. 20, 1968	May 2, 1975	
Benin	July 1, 1968	Oct. 31, 1972	
Bolivia	do.	May 26, 1970	
Botswana	do.	Apr. 28, 1969	
Bulgaria	do.	Sept. 5, 1969	
Burundi			Mar. 19, 1971
Cambodia			June 2, 1972
Cameroon	July 17, 1968	Jan. 8, 1969	
Canada	July 23, 1968	Jan. 8, 1969	
Central African Empire			Oct. 25, 1970
Chad	July 1, 1968	Mar. 10, 1971	
China, Republic of	do.	Jan. 27, 1970	
Colombia	do.		
Congo			Oct. 23, 1978
Costa Rica	July 1, 1968	Mar. 3, 1970	
Cyprus	do.	Feb. 10, 1970	
Czechoslovakia	do.	July 22, 1969	
Denmark	do.	Jan. 3, 1969	
Dominican Republic	do.	July 24, 1971	
Ecuador	July 9, 1968	Mar. 7, 1969	
Egypt	July 1, 1968		
El Salvador	do.	July 11, 1972	
Ethiopia	Sept. 5, 1968	Feb. 5, 1970	
Finland	July 1, 1968	Feb. 5, 1969	
Fiji			July 14, 1972
Gabon			Feb. 19, 1974
Gambia, The	Sept. 4, 1968	May 12, 1975	
German Democratic Republic	July 1, 1968	Oct. 31, 1969	
Germany, Federal Republic of	¹ Nov. 28, 1969	May 2, 1975	
Ghana	July 1, 1968	May 4, 1970	
Greece	do.	Mar. 11, 1970	
Grenada			Sept. 2, 1975
Guatemala	July 26, 1968	Sept. 22, 1970	
Guinea Bissau			Aug. 20, 1976
Haiti	July 1, 1968	June 2, 1970	
Holy See			Feb. 25, 1971
Honduras	July 1, 1968	May 16, 1973	
Hungary	do.	May 27, 1969	
Iceland	do.	July 18, 1969	
Indonesia	Mar. 2, 1970		
Iran	July 1, 1968	Feb. 2, 1970	
Iraq	do.	Oct. 29, 1969	
Ireland	do.	July 1, 1968	
Italy	Jan. 28, 1969	May 2, 1975	
Ivory Coast	July 1, 1968	Mar. 6, 1973	
Jamaica	Apr. 14, 1969	Mar. 5, 1970	
Japan	¹ Feb. 3, 1970	June 8, 1976	
Jordan	July 10, 1968	Feb. 11, 1970	
Kenya	July 1, 1968	June 11, 1970	
Korea	do. ²	Apr. 23, 1975	
Kuwait	Aug. 15, 1968		
Laos	July 1, 1968	Feb. 20, 1970	
Lebanon	do.	July 15, 1970	
Lesotho	July 9, 1968	May 20, 1970	
Liberia	July 1, 1968	Mar. 5, 1970	
Libya	July 18, 1968	May 26, 1975	
Lichtenstein	Apr. 20, 1978		Apr. 20, 1978
Luxembourg	Aug. 14, 1968	May 2, 1975	
Madagascar	Aug. 22, 1968	Oct. 8, 1970	
Malaysia	July 1, 1968	Mar. 5, 1970	
Maldives Islands	Sept. 11, 1968	Apr. 7, 1970	
Mali	July 14, 1969	Feb. 10, 1970	
Malta	Apr. 17, 1969	Feb. 6, 1970	
Mauritius	July 1, 1968	Apr. 8, 1969	
Mexico	¹ July 26, 1968	Jan. 21, 1969	
Mongolia	July 1, 1968	May 14, 1969	
Morocco	do.	Nov. 27, 1970	
Nepal	do.	Jan. 5, 1970	
Netherlands	Aug. 20, 1968	May 2, 1975	
New Zealand	July 1, 1968	Sept. 10, 1969	
Nicaragua	do.	Mar. 6, 1973	

See footnotes at end of table.

TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS—LIST OF COUNTRIES SIGNING WITH DATES OF SIGNATURE AND OF DEPOSIT, IF APPLICABLE (AS OF DECEMBER 31, 1978)—Continued

Country	Date of signature	Date of deposit of ratification	Date of deposit of accession
Nigeria	July 1, 1968	Sept. 27, 1968	
Norway	do	Feb. 5, 1969	
Panama	do	Jan. 13, 1977	
Paraguay	do	Feb. 4, 1970	
Peru	do	Mar. 3, 1970	
Philippines	do	Oct. 5, 1972	
Poland	do	June 12, 1969	Dec. 15, 1977
Portugal	do	do	
Romania	do	Feb. 4, 1970	
Rwanda			May 20, 1975
San Marino	² July 1, 1968	Aug. 10, 1970	
Senegal	do	Dec. 17, 1970	
Sierra Leone			Feb. 26, 1975
Singapore	Feb. 5, 1970	Mar. 10, 1976	
Somalia	July 1, 1968	Mar. 5, 1970	
Sri Lanka	do		
Sudan	Dec. 24, 1968	Oct. 31, 1973	
Surinam			June 30, 1976
Swaziland	June 24, 1969	Dec. 11, 1969	
Sweden	Aug. 19, 1968	Jan. 9, 1970	
Switzerland	¹ Nov. 27, 1969	Mar. 9, 1977	
Syrian Arab Republic	July 1, 1968	² Sept. 24, 1969	
Thailand			Dec. 2, 1972
Togo	July 1, 1968	Feb. 26, 1970	
Tonga			July 7, 1971
Trinidad and Tobago	Aug. 20, 1968		
Tunisia	July 1, 1968	Feb. 26, 1970	
Turkey	Jan. 28, 1969		
Union of Soviet Socialist Republics	July 1, 1968	Mar. 5, 1970	
United Kingdom	do	¹ Nov. 27, 1968	
United States	do	Mar. 5, 1970	
Upper Volta	Nov. 25, 1968	Mar. 3, 1970	
Uruguay	July 1, 1968	Aug. 31, 1970	
Venezuela	do	Sept. 25, 1975	
Vietnam, Republic of	do	Sept. 10, 1971	
Western Samoa			Mar. 17, 1975
Yemen Arab Republic (Sana)	Sept. 23, 1968		
Yemen (Aden)	Nov. 14, 1968		
Yugoslavia	July 10, 1968	¹ Mar. 4, 1970	
Zaire	July 22, 1968	Aug. 4, 1970	
Total	99	88	18

¹ With statement.² With recognition disclaimer.

APPENDIX 14

ADDITIONAL PROTOCOL II TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

Signed by the United States at Mexico April 1, 1968

Underlying Treaty signed by others at Mexico February 14, 1967

U.S. ratification with understandings and declarations deposited May 12, 1971

Entered into force for the United States May 12, 1971¹

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A. PROCLAMATION

CONSIDERING THAT:

Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, done at the City of Mexico on February 14, 1967, was signed on behalf of the United States of America on April 1, 1968, the text of which Protocol is word for word as follows:

ADDITIONAL PROTOCOL II

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons.

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1. The statute of denuclearization of Latin America in respect of warlike purposes, as defined, delineated and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

Article 2. The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies in accordance with article 4 thereof.

Article 3. The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Article 4. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this protocol is an annex, and the definitions of territory and nuclear weapons set forth in articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in articles 26, 27, 30 and 31 of the Treaty.

¹ The United Kingdom, France, and the People's Republic of China are also parties to Protocol II.

Article 5. The Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Additional Protocol on behalf of their respective Governments.

The Senate of the United States of America by its resolution of April 19, 1971, two-thirds of the Senators present concurring, gave its advice and consent to the ratification of Additional Protocol II, with the following understandings and declarations:

I

That the United States Government understands the reference in Article 3 of the treaty to "its own legislation" to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purposes of this treaty and its protocols or for any other purpose, of any legislation which did not, in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission's interpretation of the treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the Contracting Parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-Contracting Parties transit and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article I of the Treaty.

II

That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore, the United States Government understands the definition contained in Article 5 of the treaty as necessarily encompassing all nuclear explosive devices. It is also understood that Articles 1 and 5 restrict accordingly the activities of the Contracting Parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with Contracting Parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent with a policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States Government notes Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapon states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

III

That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of Contracting Parties.

The President ratified Additional Protocol II on May 8, 1971, with the above-recited understandings and declarations, in pursuance of the advice and consent of the Senate.

It is provided in Article 5 of Additional Protocol II that the Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

The instrument of ratification of the United Kingdom of Great Britain and Northern Ireland was deposited on December 11, 1969 with understandings and a declaration, and the instrument of ratification of the United States of America was deposited on May 12, 1971 with the above-recited understandings and declarations.

In accordance with Article 5 of Additional Protocol II, the Protocol entered into force for the United States of America on May 12, 1971, subject to the above recited understandings and declarations.

NOW, THEREFORE, I, Richard Nixon, President of the United States of America, proclaim and make public Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America to the end that it shall be observed and fulfilled with good faith, subject to the above-recited understandings and declarations, on and after May 12, 1971 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eleventh day of June in the year of our Lord one thousand nine hundred seventy-one and of the Independence of the United States of America the one hundred ninety-fifth.

(SEAL)

TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

Preamble

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America,

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness,

Recalling that the United Nations General Assembly, in its Resolution 808 (IX), adopted unanimously as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type",

Recalling that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

Recalling United Nations General Assembly Resolution 1911 (XVIII), which established that the measures that should be agreed upon for the denuclearization of Latin America should be taken "in the light of the principles of the Charter of the United Nations and of regional agreements",

Recalling United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

Recalling that the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the hemisphere,

Convinced:

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assured,

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable.

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand.

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves

in order to prevent it, would make any agreement on disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration,

That the establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions,

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist,

That the privileged situation of the signatory States, whose territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind,

That the existence of nuclear weapons in any country of Latin America would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development,

That the foregoing reasons, together with the traditional peace-loving outlook of Latin America, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable access to this new source of energy in order to expedite the economic and social development of their peoples.

Convinced finally:

That the military denuclearization of Latin America—being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons—will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmaments, and

That Latin America, faithful to its tradition of universality, must not only endeavor to banish from its homelands the scourge of a nuclear war, but must also strive to promote the well-being and advancement of its peoples, at the same time co-operating in the fulfilment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

Have agreed as follows:

Obligations

ARTICLE 1

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under this jurisdiction, and to prohibit and prevent in their respective territories:

(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

Definition of the Contracting Parties

ARTICLE 2

For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.

Definition of territory

ARTICLE 3

For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

Zone of application

1. The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfillment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

Definition of nuclear weapons

ARTICLE 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

Meeting of signatories

ARTICLE 6

At the request of any of the signatory States or if the Agency established by article 7 should so decide, a meeting of all the signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the General Secretary.

Organization

ARTICLE 7

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the "Agency for the Prohibition of Nuclear Weapons in Latin America" hereinafter referred to as "the Agency". Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

Organs

ARTICLE 8

1. There are hereby established as principal organs of the Agency a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

The General Conference

ARTICLE 9

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

2. The General Conference :

(a) May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.

(b) Shall establish procedures for the control system to ensure observance of this Treaty in accordance with its provisions.

(c) Shall elect the Members of the Council and the General Secretary.

(d) May remove the General Secretary from office if the proper functioning of the Agency so requires.

(e) Shall receive and consider the biennial and special reports submitted by the Council and the General Secretary.

(f) Shall initiate and consider studies designed to facilitate the optimum fulfillment of the aims of this Treaty, without prejudice to the power of the General Secretary independently to carry out similar studies for submission to and consideration by the Conference.

(g) Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organizations and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the control system and measures referred to in article 20, the admission of new Members, the election or removal of the General Secretary, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own rules of procedure.

The Council

ARTICLE 10

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the General Secretary, ensure the proper operation of the control system in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own rules of procedure.

The Secretariat

ARTICLE 11

1. The Secretariat shall consist of a General Secretary, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the General Secretary shall be four years and he may be re-elected for a single additional term. The General Secretary may not be a national of the country in which the Agency has its headquarters. In case

the office of General Secretary becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the General Secretary, in accordance with rules laid down by the General Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference—the General Secretary shall ensure, as provided by article 10, paragraph 5, the proper operation of the control system established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The General Secretary shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the General Secretary may deem desirable.

5. The General Secretary shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

6. In the performance of their duties the General Secretary and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the General Secretary and the staff and not to seek to influence them in the discharge of their responsibilities.

Control system

ARTICLE 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with article 1, a control system shall be established which shall be put into effect in accordance with the provisions of articles 13-18 of this Treaty.

2. The control system shall be used in particular for the purpose of verifying:

(a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons.

(b) That none of the activities prohibited in article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and

(c) That explosions for peaceful purposes are compatible with article 18 of this Treaty.

IAEA safeguards

ARTICLE 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or *force majeure*.

Reports of the Parties

ARTICLE 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.

3. The Contracting Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

Special reports requested by the General Secretary

ARTICLE 15

1. With the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the General Secretary.

2. The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

Special inspections

ARTICLE 16

1. The International Atomic Energy Agency and the Council established by this Treaty have the power of carrying out special inspections in the following cases:

(a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in article 13 of this Treaty;

(b) In the case of the Council:

(i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with article 10, paragraph 5.

(ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with article 10, paragraph 5.

The above requests will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection that, in view of the circumstances existing in the case, such costs and expenses should be borne by the Agency.

3. The General Conference shall formulate the procedures for the organization and execution of the special inspections carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

4. The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is carried out, the inspectors designated by the General Conference shall be accompanied by representatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

5. The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

6. Similarly, the Council shall send through the General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Secretary Council and General Assembly, and to the Council of the Organization of American States, for its information, a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

7. The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

8. The General Conference, convened in special session under this article, may make recommendations to the Contracting Parties, and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

Use of nuclear energy for peaceful purposes

ARTICLE 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

Explosions for peaceful purposes

ARTICLE 18

1. Contracting Parties may carry out explosions of nuclear devices for peaceful purposes—including explosions which involve devices similar to those used in nuclear weapons—or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5.

2. Contracting Parties intending to carry out, or to cooperate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

(a) The nature of the nuclear device and the source from which it was obtained,

(b) The place and purpose of the planned explosion,

(c) The procedures which will be followed in order to comply with paragraph 3 of this article,

(d) The expected force of the device, and

(e) The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

3. The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 2 of this article and the other provisions of this Treaty.

4. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present article, in accordance with paragraphs 2 and 3 thereof.

Relations with other international organizations

ARTICLE 19

1. The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty.

2. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

3. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

Measures in the event of violation of the Treaty

ARTICLE 20

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this

Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.

2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary-General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

United Nations and Organization of American States

ARTICLE 21

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organization of American States, under existing regional treaties.

Privileges and immunities

ARTICLE 22

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its purposes.

2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.

3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this article.

Notification of other agreements

ARTICLE 23

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

Settlement of disputes

ARTICLE 24

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

Signature

ARTICLE 25

1. This Treaty shall be open indefinitely for signature by:

(a) All the Latin American Republics, and

(b) All other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have admitted by the General Conference.

2. The General Conference shall not take any decision regarding the admission of a political entity part or all of whose territory is the subject, prior to the date when this Treaty is opened for signature, of a dispute or claim between an extracontinental country and one or more Latin American States, so long as the dispute has not been settled by peaceful means.

Ratification and deposit

ARTICLE 26

1. This Treaty shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.

3. The Depositary Government shall send certified copies of this Treaty to the Governments of signatory States and shall notify them of the deposit of each instrument of ratification.

Reservations

ARTICLE 27

This Treaty shall not be subject to reservations.

Entry into force

ARTICLE 28

1. Subject to the provisions of paragraph 2 of this article, this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:

(a) Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in article 25 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of article 25, paragraph 2;

(b) Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having *de jure* or *de facto* international responsibility for territories situated in the zone of application of the Treaty;

(c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;

(d) Conclusion of bilateral or multilateral agreements on the agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with article 13 of this Treaty.

2. All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this Treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, sub-paragraph (c) of this article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

Amendments

ARTICLE 29

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the General Secretary, who shall transmit them to all the other Contracting Parties and, in addition, to all other signatories in accordance with article 6. The Council, through the General Secretary, shall immediately following the meeting of signatories convene a special session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting Parties present and voting shall be required.

2. Amendments adopted shall enter into force as soon as the requirements set forth in article 28 of this Treaty have been complied with.

Duration and denunciation

ARTICLE 30

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the

annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the General Secretary of the Agency of the notification by the Government of the signatory State concerned. The General Secretary shall immediately communicate such notification to the other Contracting Parties and to the Secretary-General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary-General of the Organization of American States.

Authentic texts and registration

ARTICLE 31

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary-General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary-General of the Organization of American States for its information.

TRANSITIONAL ARTICLE

Denunciation of the declaration referred to in article 28, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

DONE at Mexico, Distrito Federal, on the Fourteenth day of February, one thousand nine hundred and sixty-seven.

ADDITIONAL PROTOCOL I²

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1. To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America in territories for which, *de jure* or *de facto*, they are internationally responsible and which lie within the limits of the geographical zone established in that treaty.

Article 2. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

Article 3. This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

² The United Kingdom and the Netherlands are parties to this Protocol. The United States has signed.

TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA—DONE AT MEXICO FEB. 14, 1967

Country	Date of signature	Date of deposit of ratification
Argentina.....	Sept. 27, 1967	
Bahamas, the.....		¹ July 16, 1976
Barbados.....	Oct. 18, 1968	Apr. 25, 1969
Bolivia.....	Feb. 14, 1967	Feb. 18, 1969
Brazil.....	May 9, 1967	² Jan. 29, 1968
Chile.....	Feb. 14, 1967	Oct. 9, 1974
Colombia.....	do.....	Aug. 4, 1972
Costa Rica.....	do.....	Aug. 25, 1969
Dominican Republic.....	July 29, 1967	June 14, 1968
Ecuador.....	Feb. 14, 1967	Feb. 11, 1969
El Salvador.....	do.....	Apr. 22, 1968
Grenada.....	Apr. 29, 1975	June 20, 1975
Guatemala.....	Feb. 14, 1967	Feb. 6, 1970
Haiti.....	do.....	May 23, 1969
Honduras.....	do.....	Sept. 23, 1968
Jamaica.....	Oct. 26, 1967	June 28, 1969
Mexico.....	Feb. 14, 1967	Sept. 20, 1967
Nicaragua.....	Feb. 15, 1967	Oct. 24, 1968
Panama.....	Feb. 14, 1967	June 11, 1971
Paraguay.....	Apr. 26, 1967	Mar. 19, 1969
Peru.....	Feb. 14, 1967	Mar. 4, 1969
Surinam.....	Feb. 13, 1976	June 10, 1977
Trinidad and Tobago.....	June 27, 1967	Dec. 3, 1970
Uruguay.....	Feb. 14, 1967	Aug. 20, 1968
Venezuela.....	do.....	Mar. 23, 1970
Total.....	24	24

¹ Succession.² Not in force. No declaration of waiver under art. 28, para. 2.

ADDITIONAL PROTOCOL I TO THE TREATY OF FEB. 14, 1967, FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA. DONE AT MEXICO, FEB. 14, 1967

Country	Date of signature	Date of deposit of ratification
Netherlands.....	Apr. 1, 1968	July 26, 1971
United Kingdom.....	Dec. 20, 1967	Dec. 11, 1969
United States.....	May 26, 1977	

ADDITIONAL PROTOCOL II TO THE TREATY OF FEB. 14, 1967, FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA. DONE AT MEXICO, FEB. 14, 1967

Country	Date of signature	Date of deposit of ratification
China, People's Republic of.....	Aug. 21, 1973	June 12, 1974
France.....	July 18, 1973	Mar. 22, 1974
Union of Soviet Socialist Republics.....	May 18, 1978	
United Kingdom.....	Dec. 20, 1967	Dec. 11, 1969
United States.....	Apr. 1, 1968	May 12, 1971

APPENDIX 15

INTERNATIONAL ATOMIC ENERGY AGENCY PARTICIPATION ACT OF 1957 AND THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

[PUBLIC LAW 85-177] [H.R. 8992]

[71 STAT. 453]

AN ACT

To provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Atomic Energy Agency Participation Act of 1957".

SEC. 2. (a) The President, by and with the advice and consent of the Senate, shall appoint a representative and a deputy representative of the United States to the International Atomic Energy Agency (hereinafter referred to as the "Agency"), who shall hold office at the pleasure of the President. Such representative and deputy representative shall represent the United States on the Board of Governors of the Agency, may represent the United States at the General Conference, and may serve ex officio as United States representative on any organ of that Agency, and shall perform such other functions in connection with the participation of the United States in the Agency as the President may from time to time direct.

(b) The President, by and with the advice and consent of the Senate, may appoint or designate from time to time to attend a specified session or specified sessions of the General Conference of the Agency a representative of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Conference.

(c) The President may also appoint or designate from time to time such other persons as he may deem necessary to represent the United States in the organs of the Agency. The President may designate any officer of the United States Government, whose appointment is subject to confirmation by the Senate, to act, without additional compensation, for temporary periods as the representative of the United States on the Board of Governors or to the General Conference of the Agency in the absence or disability of the representative and deputy representative appointed under section 2(a) or in lieu of such representatives in connection with a specified subject matter.

(d) All persons appointed or designated in pursuance of authority contained in this section shall receive compensation at rates determined by the President upon the basis of duties to be performed but not in excess of rates authorized by sections 411 and 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 866, 867), for Chiefs of Mission and Foreign Service officers occupying positions of equivalent importance, except that no Mem-

ber of the Senate or House of Representatives or officer of the United States who is designated under subsection (b) or subsection (c) of this section as a delegate or representative of the United States or as an alternate to attend any specified session or specified sessions of the General Conference shall be entitled to receive such compensation. Any person who receives compensation pursuant to the provisions of this subsection may be granted allowances and benefits not to exceed those received by Chiefs of Mission and Foreign Service officers occupying positions of equivalent importance.

Sec. 3. The participation of the United States in the International Atomic Energy Agency shall be consistent with and in furtherance of the purposes of the Agency set forth in its Statute and the policy concerning the development, use, and control of atomic energy set forth in the Atomic Energy Act of 1954, as amended. [The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress on the activities of the International Atomic Energy Agency and on the participation of the United States therein.]¹ In addition to any other requirements of law the Department of State and the Atomic Energy Commission shall keep the Joint Committee on Atomic Energy, the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations, as appropriate, currently informed with respect to the activities of the Agency and the participation of the United States therein.

Sec. 4. The representatives provided for in section 2 hereof, when representing the United States in the organs of the Agency, shall, at all times, act in accordance with the instructions of the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Statute of the International Atomic Energy Agency.

Sec. 5. There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the International Atomic Energy Agency as apportioned by the Agency in accordance with paragraph (D) of article XIV of the Statute of the Agency, and for all necessary salaries and expenses of the representatives provided for in section 2 hereof and of their appropriate staffs, including personal services without regard to the civil service laws and the Classification Act of 1949, as amended; travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, as amended, and section 10 of the Act of March 3, 1933, as amended; salaries as authorized by the Foreign Service Act of 1946, as amended, or as authorized by the Atomic Energy Act of 1954, as amended, and expenses and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a);² translating and other services, by contract; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section II of the Act of March 1, 1919 (44 U.S.C. 111); official functions and courtesies; such sums as may be necessary to defray the expenses of United States participation in the Preparatory Commission for the Agency, established pursuant to annex I of the Statute of the Agency; and such other expenses as may be authorized by the Secretary of State.

TIAS 3873.

5 U.S.C. 5101.
5 U.S.C. 5701.
5 U.S.C. 5731
22 U.S.C. 801
note.

¹ Public Law 89-348 (79 Stat. 1310), sec. 1(20), amended Public Law 85-177 by repealing the requirement of a report to the Congress by the President not less than once each year on the activities of the International Atomic Energy Agency and on the participation of the United States therein.

² Public Law 89-554 (80 Stat. 416) codified sec. 15 of the Act of August 2, 1946, as 5 U.S.C. 3109.

5 U.S.C. 8301.
5 U.S.C. 8701.

SEC. 6. (a) Notwithstanding any other provision of law, Executive order or regulation, a Federal employee who, with the approval of the Federal agency or the head of the department by which he is employed, leaves his position to enter the employ of the Agency shall not be considered for the purposes of the Civil Service Retirement Act, as amended, and the Federal Employees' Group Life Insurance Act of 1954, as amended, as separated from his Federal position during such employment with the Agency but not to extend beyond the first three consecutive years of his entering the employ of the Agency: *Provided*, (1) That he shall pay to the Civil Service Commission within ninety days from the date he is separated without prejudice from the Agency all necessary deductions and agency contributions for coverage under the Civil Service Retirement Act for the period of his employment by the Agency, and (2) That all deductions and agency contributions necessary for continued coverage under the Federal Employees' Group Life Insurance Act of 1954, as amended, shall be made during the term of his employment with the International Atomic Energy Agency. If such employee, within three years from the date of his employment with the Agency, and within ninety days from the date he is separated without prejudice from the Agency, applies to be restored to his Federal position, he shall within thirty days of such application be restored to such position or to a position of like seniority, status and pay.³

(b) Notwithstanding any other provision of law, Executive order or regulation, any Presidential appointee or elected officer who leaves his position to enter, or who within ninety days after the termination of his position enters, the employ of the Agency, shall be entitled to the coverage and benefits of the Civil Service Retirement Act, as amended, and the Federal Employees' Group Life Insurance Act of 1954, as amended, but not beyond the earlier of either the termination of his employment with the Agency or the expiration of three years from the date he entered employment with the Agency: *Provided*, (1) That he shall pay to the Civil Service Commission within ninety days from the date he is separated without prejudice from the Agency all necessary deductions and agency contributions for coverage under the Civil Service Retirement Act for the period of his employment by the Agency and (2) That all deductions and agency contributions necessary for continued coverage under the Federal Employees' Group Life Insurance Act of 1954, as amended, shall be made during the term of his employment with the Agency.

(c) The President is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section and to protect the retirement, insurance and such other civil service rights and privileges as the President may find appropriate.

SEC. 7. Section 54 of the Atomic Energy Act of 1954, as amended, is amended by adding the following new sentences: "Unless hereafter otherwise authorized by law the Commission shall be compensated for special nuclear material so distributed at not less than the Commission's published charges applicable to the domestic distribution of such material, except that the Commission to assist and encourage research on peaceful uses or for medical therapy may so distribute without charge during any calendar year only a quantity of such material which at the time of transfer does not exceed in value \$10,000 in the case of one nation or \$50,000 in the case of any group of nations. The Commission may distribute to the International Atomic Energy Agency, or to any group of nations, only such amounts of special nuclear

³ Sec. 7 of Public Law 85-795 (72 Stat. 959), approved Aug. 28, 1958, repealed sec. 6(a), "except that it shall be considered to remain in effect with respect to any employee subject thereto who is serving as an employee of the International Atomic Energy Agency on the date of enactment of this Act and who does not make the election referred to in section 6 and for the purposes of any rights and benefits vested thereunder prior to such date."

materials and for such periods of time as are authorized by Congress: *Provided, however*, That, notwithstanding this provision, the Commission is hereby authorized subject to the provisions of section 123, to distribute to the Agency five thousand kilograms of contained uranium 235, together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear materials made available by all other members of the Agency to July 1, 1960."

SEC. 8. In the event of an amendment to the Statute of the Agency being adopted in accordance with article XVIII-C of the Statute to which the Senate by formal vote shall refuse its advice and consent, upon notification by the Senate to the President of such refusal to advise and consent, all further authority under sections 2, 3, 4, and 5 of this Act, as amended, shall terminate: *Provided, however*, That the Secretary of State, under such regulations as the President shall promulgate, shall have the necessary authority to complete the prompt and orderly settlement of obligations and commitments to the Agency already incurred and pay salaries, allowances, travel expenses, and other expenses required for a prompt and orderly termination of United States participation in the Agency: *And provided further*, That the representative and the deputy representative of the United States to the Agency, and such other officers or employees representing the United States in the Agency, under such regulations as the President shall promulgate, shall retain their authority under this Act for such time as may be necessary to complete the settlement of matters arising out of the United States participation in the Agency.

Approved August 28, 1957.

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STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

ARTICLE I. ESTABLISHMENT OF THE AGENCY

The Parties hereto establish an International Atomic Energy Agency (hereinafter referred to as "the Agency") upon the terms and conditions hereinafter set forth.

ARTICLE II. OBJECTIVES

The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health, and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

ARTICLE III. FUNCTIONS

A. The Agency is authorized:

1. To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world; and, if requested to do so, to act as an intermediary for the purposes of securing the performance of services or the supplying of materials, equipment, or facilities by one member of the Agency for another; and to perform any operation or service useful in research on, or development or practical application of, atomic energy for peaceful purposes;

2. To make provision, in accordance with this Statute, for materials, services, equipment, and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power, with due consideration for the needs of the underdeveloped areas of the world;

3. To foster the exchange of scientific and technical information on peaceful use of atomic energy;

4. To encourage the exchange and training of scientists and experts in the field of peaceful uses of atomic energy;

5. To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purposes; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or, at the request of a State, to any of that State's activities in the field of atomic energy;

6. To establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labour conditions), and to provide for the application of these standards to its own operations as well as to the operations making use of materials, services, equipment, facilities, and information made available by the Agency or at its request or under its control or supervision; and to provide for the application of these standards, at the request of the parties, to operations under any bilateral or multilateral arrangement, or, at the request of a State, to any of that State's activities in the field of atomic energy;

7. To acquire or establish any facilities, plant and equipment useful in carrying out its authorized functions, whenever the facilities, plant, and equipment otherwise available to it in the area concerned are inadequate or available only on terms it deems unsatisfactory.

B. In carrying out its functions, the Agency shall:

1. Conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international cooperation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies;

2. Establish control over the use of special fissionable materials received by the Agency, in order to ensure that these materials are used only for peaceful purposes;

3. Allocate its resources in such a manner as to secure efficient utilization and the greatest possible general benefit in all areas of the world, bearing in mind the special needs of the underdeveloped areas of the world;

4. Submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the Security Council: if in connection with the activities of the Agency there should arise questions that are within the competence of the Security Council, the Agency shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security, and may also take the measures

open to it under this Statute, including those provided in paragraph C of article XII;

5. Submit reports to the Economic and Social Council and other organs of the United Nations on matters within the competence of these organs.

C. In carrying out its functions, the Agency shall not make assistance to members subject to any political, economic, military, or other conditions incompatible with the provisions of this Statute.

D. Subject to the provisions of this Statute and to the terms of agreement concluded between a State or a group of States and the Agency which shall be in accordance with the provisions of the Statute, the activities of the Agency shall be carried out with due observance of the sovereign rights of States.

ARTICLE IV. MEMBERSHIP

A. The initial members of the Agency shall be those States Members of the United Nations or of any of the specialized agencies which shall have signed this Statute within ninety days after it is opened for signature and shall have deposited an instrument of ratification.

B. Other members of the Agency shall be those States, whether or not Members of the United Nations or of any of the specialized agencies, which deposit an instrument of acceptance of this Statute after their membership has been approved by the General Conference upon the recommendation of the Board of Governors. In recommending and approving a State for membership, the Board of Governors and the General Conference shall determine that the State is able and willing to carry out the obligations of membership in the Agency, giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations.

C. The Agency is based on the principle of the sovereign equality of all its members, and all members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with this Statute.

ARTICLE V. GENERAL CONFERENCE

A. A General Conference consisting of representatives of all members shall meet in regular annual session and in such special sessions as shall be convened by the Director General at the request of the Board of Governors or of a majority of members. The sessions shall take place at the headquarters of the Agency unless otherwise determined by the General Conference.

B. At such sessions, each member shall be represented by one delegate who may be accompanied by alternates and by advisers. The cost of attendance of any delegation shall be borne by the member concerned.

C. The General Conference shall elect a President and such other officers as may be required at the beginning of each session. They shall hold office for the duration of the session. The General Conference, subject to the provisions of this Statute, shall adopt its own rules of procedure. Each member shall have one vote. Decisions pursuant to paragraph H of article XIV, paragraph C of article XVIII, and paragraph B of article XIX shall be made by a two-thirds majority of the members present and voting. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting. A majority of members shall constitute a quorum.

D. The General Conference may discuss any questions or any matters within the scope of this Statute or relating to the powers and functions of any organs provided for in this Statute, and may make recommendations to the membership of the Agency or to the Board of Governors or to both on any such questions or matters.

E. The General Conference shall:

1. Elect members of the Board of Governors in accordance with article VI;
2. Approve States for membership in accordance with article IV;
3. Suspend a member from the privileges and rights of membership in accordance with article XIX;
4. Consider the annual report of the Board;
5. In accordance with article XIV, approve the budget of the Agency recommended by the Board or return it with recommendations as to its entirety or parts to the Board, for resubmission to the General Conference;

6. Approve reports to be submitted to the United Nations as required by the relationship agreement between the Agency and the United Nations, except report referred to in paragraph C of article XII, or return them to the Board with its recommendations;
 7. Approve any agreement or agreements between the Agency and the United Nations and other organizations as provided in article XVI or return such agreements with its recommendations to the Board, for resubmission to the General Conference;
 8. Approve rules and limitations regarding the exercise of borrowing powers by the Board, in accordance with paragraph G of article XIV; approve rules regarding the acceptance of voluntary contributions to the Agency; and approve, in accordance with paragraph F of article XIV, the manner in which the general fund referred to in that paragraph may be used;
 9. Approve amendments to this Statute in accordance with paragraph C of article XVIII;
 10. Approve the appointment of the Director General in accordance with paragraph A of article VII.
- F. The General Conference shall have the authority:
1. To take decisions on any matter specifically referred to the General Conference for this purpose by the Board;
 2. To propose matters for consideration by the Board and request from the Board reports on any matter relating to the functions of the Agency.

ARTICLE VI. BOARD OF GOVERNORS

A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors (or in the case of the first Board, the Preparatory Commission referred to in Annex I) shall designate for membership on the Board the five members most advanced in the technology of atomic energy including the production of source materials and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas not represented by the aforesaid five:

- (1) North America
- (2) Latin America
- (3) Western Europe
- (4) Eastern Europe
- (5) Africa and the Middle East
- (6) South Asia
- (7) South East Asia and the Pacific
- (8) Far East

2. The outgoing Board of Governors (or in the case of the first Board, the Preparatory Commission referred to in Annex I) shall designate for membership on the Board two members from among the following other producers of source materials: Belgium, Czechoslovakia, Poland, and Portugal; and shall also designate for membership on the Board one other member as a supplier of technical assistance. No member in this category in any one year will be eligible for redesignation in the same category for the following year.

3. The General Conference shall elect ten members to membership on the Board of Governors, with due regard to equitable representation on the Board as a whole of the members in the areas listed in subparagraph A-1 of this article, so that the Board shall at all times include in this category a representative of each of those areas except North America. Except for the five members chosen for a term of one year in accordance with paragraph D of this article, no member in this category in any one term of office will be eligible for reelection in this same category for the following term of office.

B. The designations provided for in subparagraphs A-1 and A-2 of this article shall take place not less than sixty days before each regular annual session of the General Conference. The elections provided for in subparagraph A-3 of this article shall take place at regular annual sessions of the General Conference.

C. Members represented on the Board of Governors in accordance with subparagraph A-1 and A-2 of this article shall hold office from the end of the next regular annual session of the General Conference after their designation until the end of the following regular annual session of the General Conference.

D. Members represented on the Board of Governors in accordance with subparagraph A-3 of this article shall hold office from the end of the regular annual session of the General Conference at which they are elected until the end of the second regular annual session of the General Conference thereafter. In the election of these members for the first Board, however, five shall be chosen for a term of one year.

E. Each member of the Board of Governors shall have one vote. Decisions on the amount of the Agency's budget shall be made by a two-thirds majority of those present and voting, as provided in paragraph H of article XIV. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of those present and voting. Two-thirds of all members of the Board shall constitute a quorum.

F. The Board of Governors shall have authority to carry out the functions of the Agency in accordance with this Statute, subject to its responsibilities to the General Conference as provided in this Statute.

G. The Board of Governors shall meet at such times as it may determine. The meetings shall take place at the headquarters of the Agency unless otherwise determined by the Board.

H. The Board of Governors shall elect a Chairman and other officers from among its members and, subject to the provisions of this Statute, shall adopt its own rules of procedure.

I. The Board of Governors may establish such committees as it deems advisable. The Board may appoint persons to represent it in its relations with other organizations.

J. The Board of Governors shall prepare an annual report to the General Conference concerning the affairs of the Agency and any projects approved by the Agency. The Board shall also prepare for submission to the General Conference such reports as the Agency is or may be required to make to the United Nations or to any other organization the work of which is related to that of the Agency. These reports, along with the annual reports, shall be submitted to members of the Agency at least one month before the regular annual session of the General Conference.

ARTICLE VII. STAFF

A. The staff of the Agency shall be headed by a Director General. The Director General shall be appointed by the Board of Governors with the approval of the General Conference for a term of four years. He shall be the chief administrative officer of the Agency.

B. The Director General shall be responsible for the appointment, organization, and functioning of the staff and shall be under the authority of and subject to the control of the Board of Governors. He shall perform his duties in accordance with regulations adopted by the Board.

C. The staff shall include such qualified scientific and technical and other personnel as may be required to fulfill the objectives and functions of the Agency. The Agency shall be guided by the principle that its permanent staff shall be kept to a minimum.

D. The paramount consideration in the recruitment and employment of the staff and in the determination of the conditions of service shall be to secure employees of the highest standards of efficiency, technical competence, and integrity. Subject to this consideration, due regard shall be paid to the contributions of members of the Agency and to the importance of recruiting the staff on as wide a geographical basis as possible.

E. The terms and conditions on which the staff shall be appointed, remunerated, and dismissed shall be in accordance with regulations made by the Board of Governors, subject to the provisions of this Statute and to general rules approved by the General Conference on the recommendation of the Board.

F. In the performance of their duties, the Director General and the staff shall not seek or receive instructions from any source external to the Agency. They shall refrain from any action which might reflect on their position as officials of the Agency; subject to their responsibilities to the Agency, they shall not disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Agency. Each member undertakes to respect the international character of the responsibilities of the Director General and the staff and shall not seek to influence them in the discharge of their duties.

G. In this article the term "staff" includes guards.

ARTICLE VIII. EXCHANGE OF INFORMATION

A. Each member should make available such information as would, in the judgment of the member, be helpful to the Agency.

B. Each member shall make available to the Agency all scientific information developed as a result of assistance extended by the Agency pursuant to article XI.

C. The Agency shall assemble and make available in an accessible form the information made available to it under paragraphs A and B of this article. It shall take positive steps to encourage the exchange among its members of information relating to the nature and peaceful uses of atomic energy and shall serve as an intermediary among its members for this purpose.

ARTICLE IX. SUPPLYING OF MATERIALS

A. Members may make available to the Agency such quantities of special fissionable materials as they deem advisable and on such terms as shall be agreed with the Agency. The materials made available to the Agency may, at the discretion of the member making them available, be stored either by the member concerned or, with the agreement of the Agency, in the Agency's depots.

B. Members may also make available to the Agency source materials as defined in article XX and other materials. The Board of Governors shall determine the quantities of such materials which the Agency will accept under agreements provided for in article XIII.

C. Each member shall notify the Agency of the quantities, form, and composition of special fissionable materials, source materials, and other materials which that member is prepared, in conformity with its laws, to make available immediately or during a period specified by the Board of Governors.

D. On request of the Agency a member shall, from the materials which it has made available, without delay deliver to another member or group of members such quantities of such materials as the Agency may specify, and shall without delay deliver to the Agency itself such quantities of such materials as are really necessary for operations and scientific research in the facilities of the Agency.

E. The quantities, form and composition of materials made available by any member may be changed at any time by the member with the approval of the Board of Governors.

F. An initial notification in accordance with paragraph C of this article shall be made within three months of the entry into force of this Statute with respect to the member concerned. In the absence of a contrary decision of the Board of Governor, the materials initially made available shall be for the period of the calendar year succeeding the year when this Statute takes effect with respect to the member concerned. Subsequent notifications shall likewise, in the absence of a contrary action by the Board, relate to the period of the calendar year following the notification and shall be made no later than the first day of November of each year.

G. The Agency shall specify the place and method of delivery and, where appropriate, the form and composition, of materials which it has requested a member to deliver from the amounts which that member has notified the Agency it is prepared to make available. The Agency shall also verify the quantities of materials delivered and shall report those quantities periodically to the members.

The Agency shall be responsible for storing and protecting materials in its possession. The Agency shall ensure that these materials shall be safeguarded against (1) hazards of the weather, (2) unauthorized removal or diversion, (3) damage or destruction, including sabotage, and (4) forcible seizure. In storing special fissionable materials in its possession, the Agency shall ensure the geographical distribution of these materials in such a way as not to allow concentration of large amounts of such materials in any one country or region of the world.

I. The Agency shall as soon as practicable establish or acquire such of the following as may be necessary:

1. Plant, equipment, and facilities for the receipt, storage, and issue of materials;
2. Physical safeguards;
3. Adequate health and safety measures;
4. Control laboratories for the analysis and verification of materials received;
5. Housing and administrative facilities for any staff required for the foregoing.

J. The materials made available pursuant to this article shall be used as determined by the Board of Governors in accordance with the provisions of this Statute. No member shall have the right to require that the materials it makes available to the Agency be kept separately by the Agency or to designate the specific project in which they must be used.

ARTICLE X. SERVICES, EQUIPMENT, AND FACILITIES

Members may make available to the Agency services, equipment, and facilities which may be of assistance in fulfilling the Agency's objectives and functions.

ARTICLE XI. AGENCY PROJECTS

A. Any member or group of members of the Agency desiring to set up any project for research on, or development or practical application of atomic energy for peaceful purposes may request the assistance of the Agency in securing special fissionable and other materials, services, equipment, and facilities necessary for this purpose. Any such request shall be accompanied by an explanation of the purpose and extent of the project and shall be considered by the Board of Governors.

B. Upon request, the Agency may also assist any member or group of members to make arrangements to secure necessary financing from outside sources to carry out such projects. In extending this assistance, the Agency will not be required to provide any guarantees or to assume any financial responsibility for the project.

C. The Agency may arrange for the supplying of any materials, services, equipment, and facilities necessary for the project by one or more members or may itself undertake to provide any or all of these directly, taking into consideration the wishes of the member or members making the request.

D. For the purpose of considering the request, the Agency may send into the territory of the member or group of members making the request a person or persons qualified to examine the project. For this purpose the Agency may, with the approval of the member or group of members making the request, use members of its own staff or employ suitably qualified nationals of any member.

E. Before approving a project under this article, the Board of Governors shall give due consideration to:

1. The usefulness of the project, including its scientific and technical feasibility;
2. The adequacy of plans, funds, and technical personnel to assure the effective execution of the project;
3. The adequacy of proposed health and safety standards for handling and storing materials and for operating facilities;
4. The inability of the member or group of members making the request to secure the necessary finances, materials, facilities, equipment, and services;
5. The equitable distribution of materials and other resources available to the Agency;
6. The special needs of the underdeveloped areas of the world; and
7. Such other matters as may be relevant.

F. Upon approving a project, the Agency shall enter into an agreement with the member or group of members submitting the project, which agreement shall:

1. Provide for allocation to the project of any required special fissionable or other materials;
2. Provide for transfer of special fissionable materials from their then place of custody, whether the materials be in the custody of the Agency or of the member making them available for use in Agency projects, to the member or group of members submitting the project, under conditions which ensure the safety of any shipment required and meet applicable health and safety standards;
3. Set forth the terms and conditions, including charges, on which any materials, services, equipment, and facilities are to be provided by the Agency itself, and, if any such materials, services, equipment, and facilities are to be provided by a member, the terms and conditions as arranged for by the member or group of members submitting the project and the supplying member;
4. Include undertakings by the member or group of members submitting the project: (a) that the assistance provided shall not be used in such a way as to further any military purpose; and (b) that the project shall be subject

to the safeguards provided for in article XII, the relevant safeguards being specified in the agreement ;

5. Make appropriate provision regarding the rights and interests of the Agency and the member or members concerned in any inventions or discoveries, or any patents therein, arising from the project ;

6. Make appropriate provision regarding settlement of disputes ;

7. Include such other provisions as may be appropriate.

G. The provisions of this article shall also apply where appropriate to a request for materials, services, facilities, or equipment in connection with an existing project.

ARTICLE XII. AGENCY SAFEGUARDS

A. With respect to any Agency project, or other arrangement where the Agency is requested by the parties concerned to apply safeguards, the Agency shall have the following rights and responsibilities to the extent relevant to the project or arrangement :

1. To examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only from the viewpoint of assuring that it will not further any military purpose, that it complies with applicable health and safety standards, and that it will permit effective application of the safeguards provided for in this article ;

2. To require the observance of any health and safety measures prescribed by the Agency ;

3. To require the maintenance and production of operating records to assist in ensuring accountability for source and special fissionable materials used or produced in the project or arrangement ;

4. To call for and receive progress reports ;

5. To approve the means to be used for the chemical processing of irradiated materials solely to ensure that this chemical processing will not lend itself to diversion of materials for military purposes and will comply with applicable health and safety standards ; to require that special fissionable materials recovered or produced as a by-product be used for peaceful purposes under continuing Agency safeguards for research or in reactors, existing or under construction, specified by the member or members concerned ; and to require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed for the above-stated uses in order to prevent stockpiling of these materials, provided that thereafter at the request of the member or members concerned special fissionable materials so deposited with the Agency shall be returned promptly to the member or members concerned for use under the same provisions as stated above ;

6. To send into the territory of the recipient State or States inspectors, designated by the Agency after consultation with the State or States concerned, who shall have access at all times to all places and data and to any person who by reason of his occupation deals with materials, equipment, or facilities which are required by this Statute to be safeguarded, as necessary to account for source and special fissionable materials supplied and fissionable products and to determine whether there is compliance with the undertaking against use in furtherance of any military purpose referred to in subparagraph F-4 of article XI, with the health and safety measures referred to in subparagraph A-2 of this article, and with any other conditions prescribed in the agreement between the Agency and the State or States concerned. Inspectors designated by the Agency shall be accompanied by representatives of the authorities of the State concerned, if that State so requests, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions ;

7. In the event of noncompliance and failure by the recipient State or States to take requested corrective steps within a reasonable time, to suspend or terminate assistance and withdraw any materials and equipment made available by the Agency or a member in furtherance of the project.

B. The Agency shall, as necessary, establish a staff of inspectors. The staff of inspectors shall have the responsibility of examining all operations conducted by the Agency itself to determine whether the Agency is complying with the health and safety measures prescribed by it for application to projects subject to its approval, supervision or control, and whether the Agency is taking

adequate measures to prevent the source and special fissionable materials in its custody or used or produced in its own operations from being used in furtherance of any military purpose. The Agency shall take remedial action forthwith to correct any noncompliance or failure to take adequate measures.

C. The staff of inspectors shall also have the responsibility of obtaining and verifying the accounting referred to in subparagraph A-6 of this article and of determining whether there is compliance with the undertaking referred to in subparagraph A-2 of this article, and with all other conditions of the project prescribed in the agreement between the Agency and the State or States concerned. The inspectors shall report any noncompliance to the Director General who shall thereupon transmit the report to the Board of Governors. The Board shall call upon the recipient State or States to remedy forthwith any noncompliance which it finds to have occurred. The Board shall report the noncompliance to all members and to the Security Council and General Assembly of the United Nations. In the event of failure of the recipient State or States to take fully corrective action within a reasonable time, the Board may take one or both of the following measures: direct curtailment or suspension of assistance being provided by the Agency or by a member, and call for the return of materials and equipment made available to the recipient members or group of members. The Agency may also, in accordance with article XIX, suspend any noncomplying member from the exercise of the privileges and rights of membership.

ARTICLE XIII. REIMBURSEMENT OF MEMBERS

Unless otherwise agreed upon between the Board of Governors and the members furnishing to the Agency materials, services, equipment, or facilities, the Board shall enter into an agreement with such member providing for reimbursement for the items furnished.

ARTICLE XIV. FINANCE

A. The Board of Governors shall submit to the General Conference the annual budget estimates for the expenses of the Agency. To facilitate the work of the Board in this regard, the Director General shall initially prepare the budget estimates. If the General Conference does not approve the estimates, it shall return them together with its recommendations to the Board. The Board shall then submit further estimates to the General Conference for its approval.

B. Expenditures of the Agency shall be classified under the following categories:

1. Administrative expenses: these shall include:

(a) Costs of the staff of the Agency other than the staff employed in connection with materials, services, equipment, and facilities referred to in subparagraph B-2 below; costs of meetings; and expenditures required for the preparation of Agency projects and for the distribution of information;

(b) Costs of implementing the safeguards referred to in article XII in relation to Agency projects or, under subparagraph A-5 of article III, in relation to any bilateral or multilateral arrangement, together with the costs of handling and storage of special fissionable material by the Agency other than the storage and handling charges referred to in paragraph E below;

2. Expenses, other than those included in subparagraph 1 of this paragraph in connection with any materials, facilities, plant, and equipment acquired or established by the Agency in carrying out its authorized functions, and the costs of materials, services equipment, and facilities provided by it under agreements with one or more members.

C. In fixing the expenditures under subparagraph B-1 (b) above, the Board of Governors shall deduct such amounts as are recoverable under agreements regarding the application of safeguards between the Agency and parties to bilateral or multilateral arrangements.

D. The Board of Governors shall apportion the expenses referred to in subparagraph B-1 above, among members in accordance with a scale to be fixed by the General Conference. In fixing the scale the General Conference shall be guided by the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations.

E. The Board of Governors shall establish periodically a scale of charges, including reasonable uniform storage and handling charges, for materials, services, equipment, and facilities furnished to members by the Agency. The scale shall be designed to produce revenues for the Agency adequate to meet the expenses and costs referred to in subparagraph B-2 above, less any voluntary contributions which the Board of Governors may, in accordance with paragraph F, apply for this purpose. The proceeds of such charges shall be placed in a separate fund which shall be used to pay members for any materials, services, equipment, or facilities furnished by them and to meet other expenses referred to in subparagraph B-2 above which may be incurred by the Agency itself.

F. Any excess of revenues referred to in paragraph E over the expenses and costs there referred to, and any voluntary contributions to the Agency, shall be placed in a general fund which may be used as the Board of Governors, with the approval of the General Conference, may determine.

G. Subject to rules and limitations approved by the General Conference, the Board of Governors shall have the authority to exercise borrowing powers on behalf of the Agency without, however, imposing on members of the Agency any liability in respect of loans entered into pursuant to this authority, and to accept voluntary contributions made to the Agency.

H. Decisions of the General Conference on financial questions and of the Board of Governors on the amount of the Agency's budget shall require a two-thirds majority of those present and voting.

ARTICLE XV. PRIVILEGES AND IMMUNITIES

A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

B. Delegates of members together with their alternates and advisers, Governors appointed to the Board together with their alternates and advisers, and the Director General and the staff of the Agency, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Agency.

C. The legal capacity, privileges, and immunities referred to in this article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director General acting under instructions of the Board of Governors, and the members.

ARTICLE XVI. RELATIONSHIP WITH OTHER ORGANIZATIONS

A. The Board of Governors, with the approval of the General Conference, is authorized to enter into an agreement or agreements establishing an appropriate relationship between the Agency and the United Nations and any other organizations the work of which is related to that of the Agency.

B. The agreement or agreements establishing the relationship of the Agency and the United Nations shall provide for:

1. Submission by the Agency of reports as provided for in subparagraphs B-4 and B-5 of article III;

2. Consideration by the Agency of resolutions relating to it adopted by the General Assembly or any of the Councils of the United Nations and the submission of reports, when requested, to the appropriate organ of the United Nations on the action taken by the Agency or by its members in accordance with this Statute as a result of such consideration.

ARTICLE XVII. SETTLEMENT OF DISPUTES

A. Any question or dispute concerning the interpretation or application of this Statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the Statute of the Court unless the parties concerned agree on another mode of settlement.

B. The General Conference and the Board of Governors are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Agency's activities.

ARTICLE XVIII. AMENDMENTS AND WITHDRAWALS

A. Amendments to this Statute may be proposed by any member. Certified copies of the text of any amendment proposed shall be prepared by the Director General and communicated by him to all members at least ninety days in advance of its consideration by the General Conference.

B. At the fifth annual session of the General Conference following the coming into force of this Statute, the question of a general review of the provisions of this Statute shall be placed on the agenda of that session. On approval by a majority of the members present and voting, the review will take place at the following General Conference. Thereafter, proposals on the question of a general review of this Statute may be submitted for decision by the General Conference under the same procedure.

C. Amendments shall come into force for all members when:

(i) Approved by the General Conference by a two-thirds majority of those present and voting after consideration of observations submitted by the Board of Governors on each proposed amendment, and

(ii) Accepted by two-thirds of all the members in accordance with their respective constitutional processes. Acceptance by a member shall be effected by the deposit of an instrument of acceptance with the depositary Government referred to in paragraph C of article XXI.

D. At any time after five years from the date when this Statute shall take effect in accordance with paragraph E of article XXI or whenever a member is unwilling to accept an amendment to this Statute, it may withdraw from the Agency by notice in writing to that effect given to the depositary Government referred to in paragraph C of article XXI, which shall promptly inform the Board of Governors and all members.

E. Withdrawal by a member from the Agency shall not affect its contractual obligations entered into pursuant to article XI or its budgetary obligations for the year in which it withdraws.

ARTICLE XIX. SUSPENSION OF PRIVILEGES

A. A member of the Agency which is in arrears in the payment of its financial contributions to the Agency shall have no vote in the Agency if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. The General Conference may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. A member which has persistently violated the provisions of this Statute or of any agreement entered into by it pursuant to this Statute may be suspended from the exercise of the privileges and rights of membership by the General Conference acting by a two-thirds majority of the members present and voting upon recommendation by the Board of Governors.

ARTICLE XX. DEFINITIONS

As used in this Statute:

1. The term "special fissionable material" means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term "special fissionable material" does not include source material.

2. The term "uranium enriched in the isotopes 235 or 233" means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. The term "source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

ARTICLE XXI. SIGNATURE, ACCEPTANCE, AND ENTRY INTO FORCE

A. This Statute shall be open for signature on 26 October 1956 by all States Members of the United Nations or of any of the specialized agencies and shall remain open for signature by those States for a period of ninety days.

B. The signatory States shall become parties to this Statute by deposit of an instrument of ratification.

C. Instruments of ratification by signatory States and instruments of acceptance by States whose membership has been approved under paragraph B of article IV of this Statute shall be deposited with the Government of the United States of America, hereby designated as depositary Government.

D. Ratification or acceptance of this Statute shall be effected by States in accordance with their respective constitutional processes.

E. This Statute, apart from the Annex, shall come into force when eighteen States have deposited instruments of ratification in accordance with paragraph B of this article, provided that such eighteen States shall include at least three of the following States: Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Instruments of ratification and instruments of acceptance deposited thereafter shall take effect on the date of their receipt.

F. The depositary Government shall promptly inform all States signatory to this Statute of the date of each deposit of ratification and the date of entry into force of the Statute. The depositary Government shall promptly inform all signatories and members of the dates on which States subsequently become parties thereto.

G. The Annex to this Statute shall come into force on the first day this Statute is open for signature.

ARTICLE XXII. REGISTRATION WITH THE UNITED NATIONS

A. This Statute shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

B. Agreements between the Agency and any member or members, agreements between the Agency and any other organization or organizations, and agreements between members subject to approval of the Agency, shall be registered with the Agency. Such agreements shall be registered by the Agency with the United Nations if registration is required under Article 102 of the Charter of the United Nations.

ARTICLE XXIII. AUTHENTIC TEXTS AND CERTIFIED COPIES

This Statute, done in the Chinese, English, French, Russian and Spanish languages, each being equally authentic, shall be deposited in the archives of the depositary Government. Duly certified copies of this Statute shall be transmitted by the depositary Government to the Governments of the other signatory States and to the Governments of States admitted to membership under paragraph B of Article IV.

In witness whereof the undersigned, duly authorized, have signed this Statute.

Done at the Headquarters of the United Nations, this twenty-sixth day of October, one thousand nine hundred and fifty-six.

ANNEX I. PREPARATORY COMMISSION

A. A Preparatory Commission shall come into existence on the first day this Statute is open for signature. It shall be composed of one representative each of Australia, Belgium, Brazil, Canada, Czechoslovakia, France, India, Portugal, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America, and one representative each of six other States to be chosen by the International Conference on the Statute of the International Atomic Energy Agency. The Preparatory Commission shall remain in existence until this Statute comes into force and thereafter until the General Conference has convened and a Board of Governors has been selected in accordance with Article VI.

B. The expenses of the Preparatory Commission may be met by a loan provided by the United Nations and for this purpose the Preparatory Commission shall make the necessary arrangements with the appropriate authorities of the United Nations, including arrangements for repayment of the loan by the Agency. Should

these funds be insufficient, the Preparatory Commission may accept advances from Governments. Such advances may be set off against the contributions of the Governments concerned to the Agency.

C. Preparatory Commission shall—

1. Elect its own officers, adopt its own rules of procedure, meet as often as necessary, determine its own place of meeting and establish such committees as it deems necessary;

2. Appoint an executive secretary and staff as shall be necessary, who shall exercise such powers and perform such duties as the Commission may determine;

3. Make arrangements for the first session of the General Conference, including the preparation of a provisional agenda and draft rules of procedure, such session to be held as soon as possible after the entry into force of this Statute;

4. Make designations for membership on the first Board of Governors in accordance with subparagraphs A-1 and A-2 and paragraph B of article VI;

5. Make studies, reports, and recommendations for the first session of the General Conference and for the first meeting of the Board of Governors on subjects of concern to the Agency requiring immediate attention, including (a) the financing of the Agency; (b) the programmes and budget for the first year of the Agency; (c) technical problems relevant to advance planning of Agency operations; (d) the establishment of a permanent Agency staff; and (e) the location of the permanent headquarters of the Agency;

6. Make recommendations for the first meeting of the Board of Governors concerning the provisions of a headquarters agreement defining the status of the Agency and the rights and obligations which will exist in the relationship between the Agency and the host Government;

7. (a) Enter into negotiations with the United Nations with a view to the preparation of a draft agreement in accordance with article XVI of this Statute, such draft agreement to be submitted to the first session of the General Conference and to the first meeting of the Board of Governors; and (b) make recommendations to the first session of the General Conference and to the first meeting of the Board of Governors concerning the relationship of the Agency to other international organizations as contemplated in article XVI of this Statute.

SUMMARY OF THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

ARTICLES I AND II

The statute upon its entry into force will establish the International Atomic Energy Agency, the basic objective of which is to seek to accelerate and enlarge the contribution of atomic energy to peace, health, and prosperity throughout the world without at the same time furthering any military purpose.

ARTICLE III

The functions of the Agency set forth in article III of the statute are (a) to encourage and assist research on, and development and practical application of, atomic energy for peaceful purposes throughout the world; (b) to make provision for materials, services, equipment, and facilities needed to carry out the foregoing purpose; (c) to foster the exchange of scientific and technical information on, and the exchange and training of scientists and experts in, the peaceful uses of atomic energy; (d) to establish and administer safeguards to ensure that fissionable or other materials, services, equipment, facilities, and information with which the Agency deals are not used to further any military purpose; (e) to participate in the establishment, adoption, and application of standards of safety for the protection of health and the minimization of danger to life and property from activities in the field of atomic energy; and (f) to acquire or establish any facilities, plant, and equipment useful in carrying out its authorized functions.

In carrying out its functions, the Agency is required by the statute (a) to conduct its activities in accordance with the purposes and principles of the United

Nations and, in particular, in conformity with United Nations policies furthering the establishment of a safeguarded worldwide disarmament; (b) to control the use of such fissionable materials as are received by the Agency so as to ensure that they are used only for peaceful purposes; (c) to allocate its resources so as to secure efficient utilization and wide distribution of their benefits throughout the world, bearing in mind the special needs of the underdeveloped areas; (d) to submit annual reports on its activities to the General Assembly of the United Nations; (e) when appropriate, to submit reports and information to the Security Council, Economic and Social Council, and other organs of the United Nations; (f) to refuse to give assistance to member countries under political, economic, military, or other conditions that are inconsistent with the statute; and (g) subject to the terms of any agreements that may be made between a state or group of states and the Agency, to give due observance to the sovereign rights of states.

ARTICLE IV

Initial members of the Agency are to be states members of the United Nations or of any of the specialized agencies which signed the statute within 90 days after it was opened for signature and which deposit instruments of ratification. The following 30 states* signed the statute during the period it was open for signature:

Afghanistan
Albania
Argentina
Australia
Austria
Belgium
Bolivia
Brazil
Bulgaria
Burma

Byelorussian Soviet Socialist
Republic
Cambodia
Canada
Ceylon
Chile
China
Colombia
Costa Rica
Cuba

*Editor's Note: Only a partial list of the signatory states was available at the time of this printing.

APPENDIX 16

EURATOM COOPERATION ACT OF 1958 AND CONCURRENT RESOLUTION

[PUBLIC LAW 85-846] [S. 4273]

AN ACT

To provide for cooperation with the European Atomic Energy
Community

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "EURATOM Cooperation Act of 1958".

EURATOM
Cooperation
Act of 1953.

SEC. 2. As used in this Act—

(a) "The Community" means the European Atomic Energy Community (EURATOM).

(b) The "Commission" means the Atomic Energy Commission, as established by the Atomic Energy Act of 1954, as amended.

Definitions.

(c) "Joint program" means the cooperative program established by the Community and the United States and carried out in accordance with the provisions of an agreement for cooperation entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, to bring into operation in the territory of the members of the Community powerplants using nuclear reactors of types selected by the Commission and the Community, having as a goal a total installed capacity of approximately one million kilowatts of electricity by December 31, 1963, except that two reactors may be selected to be in operation by December 31, 1965.

(d) All other terms used in this Act shall have the same meaning as terms described in section 11 of the Atomic Energy Act of 1954, as amended.

SEC. 3. There is hereby authorized to be appropriated to the Commission, in accordance with the provisions of section 261 (a) (2) of the Atomic Energy Act of 1954, as amended,¹ the sum of \$3,000,000² as an initial authorization for fiscal year 1959 for use in a cooperative program of research and development in connection with the types of reactors selected by the Commission and the Community under the joint program. The Commission may enter into contracts for such periods as it deems necessary, but in no event to exceed five years, for the purpose of conducting the research and development program authorized by this section: *Provided*, That the Community authorizes an equivalent amount for use in the cooperative program of research and development.

Search and
development
program.

¹Public Law 88-72 (77 Stat. 84) (1963), sec. 107, amended section 261a. See footnotes to that section, *supra*.

²Public Law 86-50 (sec. 109), Public Law 87-701 (sec. 109), Public Law 88-72 (sec. 103), Public Law 88-332 (sec. 101(a)), and Public Law 89-32 (sec. 101), authorized appropriation of an additional \$7,000,000, \$5,000,000, \$7,500,000, \$3,000,000, and \$3,000,000, respectively.

Guarantee
contracts.

31 U.S.C. 665
41 U.S.C.
252(c)
(See 41 U.S.C.
260(b)).

SEC. 4. The Commission is authorized, within limits of amounts which may hereafter be authorized to be appropriated in accordance with the provisions of section 261(a) (2)³ of the Atomic Energy Act of 1954, as amended to make guarantee contracts which shall in the aggregate not exceed a total contingent liability of \$90,000,000 designed to assure that the charges to an operator of a reactor constructed under the joint program for fabricating, processing, and transporting fuel will be no greater than would result under the fuel fabricating and fuel life guarantees which the Commission shall establish for such reactor. Within the limits of such amounts, the Commission is authorized to make contracts under this section, without regard to the provisions of sections 3679 and 3709 of the Revised Statutes, as amended, for such periods of time as it determines to be necessary: *Provided, however*, That no such contracts may extend for a period longer than that necessary to cover fuel loaded into a reactor constructed under the joint program during the first ten years of the reactor operation or prior to December 31, 1973 (or December 31, 1975, for not more than two reactors selected under section 2(c)), whichever is earlier. In establishing criteria for the selection of projects and in entering into such guarantee contracts, the Commission shall be guided by, but not limited to, the following principles:

(a) The Commission shall encourage a strong and competitive atomic equipment manufacturing industry in the United States designed to provide diversified sources of supply for reactor parts and reactor fuel elements under the joint program;

(b) The guarantee shall be consistent with the provisions of this Act and of Attachment A to the Memorandum of Understanding between the Government of the United States and the Community, signed in Brussels on May 29, 1958, and in Washington, District of Columbia, on June 12, 1958, and transmitted to Congress on June 23, 1958;

(c) The Commission shall establish and publish criteria for computing the maximum fuel element charge and minimum fuel element life to be guaranteed by the manufacturer as a basis for inviting and evaluating proposals.⁴

(d) The guarantee by the manufacturer shall be as favorable as any other guarantee offered by the manufacturer for any comparable fuel element within a reasonable time period; and

(e) the Commission shall obtain a royalty-free, nonexclusive, irrevocable license for governmental purposes to any patents on inventions or discoveries made or conceived by the manufacturer in the course of development or fabrication of fuel elements during the period covered by the Commission's guarantee.

Uranium and
plutonium.

SEC. 5. Pursuant to the provisions of section 54 of the Atomic Energy Act of 1954, as amended, there is hereby authorized for sale or lease to the Community—

an amount of contained uranium 235 which does not exceed that necessary to support the fuel cycle of power reactors located within the Community having a total installed capacity of thirty-five thousand megawatts of electric energy, together with twenty-five thousand kilograms of contained uranium 235 for other purposes;⁵

one thousand five hundred kilograms of plutonium; and
thirty kilograms of uranium 233;

³ See footnote 1, *supra*.

⁴ Public Law 87-206 (75 Stat. 475) (1961), amended section 4(c). Prior to amendment, it read: "The Commission shall establish and publish minimum levels of fuel element cost and life to be guaranteed by the manufacturer as a basis for inviting and evaluating proposals."

⁵ Public Law 93-88 (87 Stat. 296) (1973), changed this subparagraph. Previously, it read "two hundred fifteen thousand kilograms of contained uranium 235;". See appendix 3 *infra* for legislative history of Public Law 93-88.

in accordance with the provisions of an agreement or agreements for cooperation between the Government of the United States and the Community entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided*, That the Government of the United States obtains the equivalent of a first lien on any such material sold to the Community for which payment is not made in full at the time of transfer. The Commission may enter into contracts to provide, after December 31, 1968, for the producing or enriching of all, or part if, the abovementioned contained uranium 235 pursuant to the provisions of subsection 161 v. (B) of said Act, as amended, in lieu of sale or lease thereof.⁶

SEC. 6. (a) The Atomic Energy Commission is authorized to purchase or otherwise acquire from the Community special nuclear material or any interest therein from reactors constructed under the joint program in accordance with the terms of an agreement for cooperation entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided*, That neither plutonium nor uranium 233 nor any interest therein shall be acquired under this section in excess of the total quantities authorized by law. The Commission is hereby authorized to acquire from the Community pursuant to this section up to four thousand one hundred kilograms of plutonium for use only for peaceful purposes.

Acquisition
of nuclear
materials.

(b) Any contract made under the provisions of this section to acquire plutonium or any interest therein may be at such prices and for such period of time as the Commission may deem necessary: *Provided*, That with respect to plutonium produced in any reactor constructed under the joint program, no such contract shall be for a period greater than ten years of operation of such reactors or December 31, 1973 (or December 31, 1975, for not more than two reactors selected under section 2 (c)), whichever is earlier: *And provided further*, That no such contract shall provide for compensation or the payment of a purchase price in excess of the Commission's established price in effect at the time of delivery to the Commission for such material as fuel in a nuclear reactor.

(c) Any contract made under the provisions of this section to acquire uranium enriched in the isotope uranium 235 may be at such price and for such period of time as the Commission may deem necessary: *Provided*, That no such contract shall be for a period of time extending beyond the terminal date of the agreement for cooperation with the Community or provide for the acquisition of uranium enriched in the isotope U-235 in excess of the quantities of such material that have been distributed to the Community by the Commission less the quantity consumed in the nuclear reactors involved in the joint program: *And provided further*, That no such contract shall provide for compensation or the payment of a purchase price in excess of the Atomic Energy

⁶ Public Law 9-190 (81 Stat. 575 (1967), sec. 13, amended sec. 5 by substituting a complete new section. For legislative history of Public Law 90-190, see appendix 3, *infra*. Before amendment, sec. 5 read as follows: "SEC. 5. Pursuant to the provisions of section 54 of the Atomic Energy Act of 1954, as amended, there is hereby authorized for sale or lease to the Community:

Seventy thousand kilograms of contained uranium 235

Five hundred kilograms of plutonium

Thirty kilograms of uranium 233

in accordance with the provisions of an agreement or agreements for cooperation between the Government of the United States and the Community entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided*, That the Government of the United States obtains the equivalent of a first lien on any such material sold to the Community for which payment is not made in full at the time of transfer."

SEC. 5. Had earlier been amended by Public Law 88-394 (78 Stat. 376), sec. 5, and by Public Law 87-206 (75 Stat. 475), sec. 19. For legislative history of Public Law 88-394 and Public Law 87-206, see appendix 3, *infra*.

Commission's established charges for such material in effect at the time delivery is made to the Commission.

(d) any contract made under this section for the purchase of special nuclear material or any interest therein may be made without regard to the provisions of section 3679 of the Revised Statutes, as amended.

31 U.S.C. 665.

41 U.S.C.
252(c).
(See 41 U.S.C.
260(b).)

(e) Any contract made under this section may be made without regard to section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable.

Nonliability
of U.S.

SEC. 7. The Government of the United States of America shall not be liable for any damages or third party liability arising out of or resulting from the joint program: *Provided, however*, That nothing in this section shall deprive any person of any rights under section 170 of the Atomic Energy Act of 1954, as amended. *And provided further*, That nothing in this section shall apply to arrangements made by the Commission under a research and development program authorized in section 3.⁷ The Government of the United States shall take such steps as may be necessary, including appropriate disclaimer or indemnity arrangements, in order to carry out the provisions of this section.

Approved August 28, 1958.

INDEX TO LEGISLATIVE HISTORY OF PUBLIC LAW 85-846

(Page references are to the Congressional Record, 85th Cong., 2d sess.)

S. 4047 introduced by Senator Anderson (by request). June 24, 1958. Referred to the Joint Committee on Atomic Energy, 12061.

S. 4273 introduced by Senator Anderson as a "clean bill." August 12, 1958. Referred to the Joint Committee on Atomic Energy, 16964.

Reported with amendments (S. Rept. 2370). August 14, 1958, 17490. Debated, 18093.

Amended and passed Senate. August 18, 1958, 18100.

Passed House. August 20, 1958, 18787.

Approved as Public Law 85-846. August 28, 1958, 19586.

COMPANION BILL—H.R. 13749

H.R. 13120 introduced by Mr. Durham (by request). June 25, 1958. Referred to the Joint Committee on Atomic Energy, 12264.

H.R. 13749 introduced by Mr. Durham as a "clean bill." August 12, 1958. Referred to the Joint Committee on Atomic Energy, 17203.

Reported with amendments (H. Rept. 2647). August 15, 1958, 17931.

Indefinitely postponed (S. 4273 passed in lieu), 18787.

[S. CON. RES. 116]

[85TH CONGRESS, 2D SESSION]

[AUGUST 23, 1958]

CONCURRENT RESOLUTION

Whereas the United States of America has instituted a program of international cooperation to make available to cooperating nations the benefits of peaceful applications of atomic energy; and

Whereas the United States of America and the European Atomic Energy Community (EURATOM) have entered into an agreement providing for co-

⁷ Proviso added by Public Law 87-206 (75 Stat. 475) (1961).

operation in programs designed to advance the peaceful application of atomic energy: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That pursuant to the provisions of section 11(1) and 124 of the Atomic Energy Act of 1954, as amended, the agreement between the Government of the United States of America and the European Atomic Energy Community (EURATOM), signed at Brussels on May 29, 1958, and at Washington on June 19, 1958, concerning co-operation between the parties in programs for the advancement of the peaceful application of atomic energy, be and hereby is approved. This resolution does not constitute approval or disapproval of the memorandum of understanding, or any other agreements which have not been formally approved or authorized by the Congress.

INDEX TO LEGISLATIVE HISTORY OF S. CON. RES. 116

(Page references are to the Congressional Record, 85th Cong., 2d sess.)

S. Con. Res. 116 introduced by Senator Anderson. August 12, 1958. Referred to the Joint Committee on Atomic Energy, 16964.

Reported (S. Rept. 2372). August 14, 1958, 17490.

Passed over, 18082.

Passed Senate. August 18, 1958, 18098.

Passed House. August 20, 1958, 18786.

COMPANION BILL—H. CON. RES. 376

H. Con. Res. 376 introduced by Mr. Durham. August 12, 1958. Referred to the Joint Committee on Atomic Energy, 17203.

Reported (H. Rept. 2648). August 15, 1958, 17931.

Laid on table (S. Con. Res. 116 passed in lieu). August 20, 1958, 18786.

[PUBLIC LAW 93-88 [S. 1993]]

[93D CONGRESS, 1ST SESSION]

[AUGUST 14, 1973]

AN ACT

To amend the EURATOM Cooperation Act of 1958, as amended,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the EURATOM Cooperation Act of 1958, as amended, is amended by deleting the words "two hundred fifteen thousand kilograms of contained uranium 235" and substituting thereof the words "an amount of contained uranium 235 which does not exceed that necessary to support the fuel cycle of power reactors located within the Community having a total installed capacity of thirty-five thousand megawatts of electric energy, together with twenty-five thousand kilograms of contained uranium 235 for other purposes".

Approved August 14, 1973.

87 Stat. 296.
EURATOM
Cooperation
Act of 1958,
Amendment.
81 Stat. 578.
52 U.S.C. 2294.

INDEX TO LEGISLATIVE HISTORY OF PUBLIC LAW 93-88 (S. 1993)

(Page references are to daily editions of the Congressional Record, 93d Cong., 1st Sess.)

S. 1993 introduced by Vice Chairman Pastore (by request) June 13, 1973, S11006. *Hearing:* Subcommittee on Agreements for Cooperation, June 22, 1973.

Senate Report filed (S. Rept. No. 93-341), July 24, 1973, S14441.

S. 1993 considered and passed in the Senate, without amendment, July 26, 1973, S14743.

S. 1993 considered and passed in the House, without amendment, July 30, 1973, H6850-52.

Examined and signed by the Speaker of the House, August 1, 1973, H7205.

Examined and signed by the President Pro Tempore, August 3, 1973, S15568.

Presented to the President, August 3, 1973, S15568.

S. 1993 approved by the President on August 14, 1973, as Public Law 93-88, D977 (Sept. 5, 1973, *Record*).

COMPANION BILL—H.R. 8867

H.R. 8867 introduced by Chairman Melvin Price of Illinois (by request), June 20, 1973, H5064.

Hearings: As listed above.

House Report filed (H. Rept. No. 93-385), July 19, 1973, H6418.

Identical bill, S. 1993 passed in lieu thereof as indicated above.

APPENDIX 17

UNITED STATES LIST OF AGREEMENTS FOR COOPERATION IN ATOMIC ENERGY BILATERALS WITH INDIVIDUAL COUNTRIES

Country	Scope	Effective date	TIAS No.
Argentina	Research	May 23, 1969	4508
Do.	do	Nov. 30, 1963	5504
Do.	Research and power	July 25, 1969	6721
Australia	do	May 28, 1957	3830
Do.	Amend and extend	Sept. 14, 1960	4687
Do.	do	Apr. 11, 1967	6250
Austria	Research and power	Jan. 24, 1970	6815
Do.	Amend and extend	June 14, 1974	7912
Brazil	Research	Mar. 29, 1977	8685,
			8686
Do.	do	Feb. 27, 1960	4547
Do.	do	Mar. 17, 1961	4727
Do.	do	Mar. 29, 1963	5337
Do.	Research and power	Sept. 20, 1972	7439
Do.	Research	May 29, 1975	-----
Canada	Research and power	July 21, 1955	3304
Do.	Amend and extend	June 26, 1956	3771
Do.	do	May 22, 1959	4271
Do.	do	June 11, 1960	4518
Do.	do	May 25, 1962	5102
Chile	Research	Feb. 19, 1960	4457
China, Republic of	do	Dec. 2, 1959	4371
Do.	Research and power	June 22, 1972	7364
Do.	Amend and extend	Mar. 15, 1974	7834
Colombia	Research	Jan. 11, 1960	4421
Do.	do	Mar. 28, 1977	8555
Denmark	do	Oct. 3, 1975	8358
Finland	Research and power	July 7, 1970	6869
France	Research	June 28, 1974	8345
Do.	do	Oct. 16, 1974	8369
Do.	do	Jan. 18, 1977	-----
Germany	do	Mar. 6, 1974	8347
Do.	do	Dec. 20, 1974	-----
Do.	do	June 20, 1975	8348
Do.	do	Oct. 1, 1975	-----
Do.	do	June 8, 1976	8657
Do.	do	Feb. 11, 1977	-----
Do.	do	May 6, 1977	-----
Do.	do	Sept. 29, 1977	-----
Greece	do	Jan. 29, 1977	8633
Guatemala	do	Apr. 23, 1960	4485
India	do	June 13, 1960	4505
Do.	Research and medicine	Feb. 1, 1963	5288
Do.	Power	Oct. 25, 1963	5446
Indonesia	Research	Sept. 21, 1960	4557
Do.	Amend and extend	Jan. 12, 1966	6124
Do.	do	June 10, 1970	7001
Iran	Research	Apr. 27, 1959	4207
Do.	Amend and extend	June 8, 1954	6219
Do.	do	Mar. 18, 1969	6726
Do.	Research	Apr. 11, 1977	-----
Ireland	do	July 9, 1958	4059
Do.	Amend and extend	Feb. 13, 1961	4690
Do.	do	Aug. 7, 1963	5511
Do.	do	June 12, 1968	6532
Do.	Research	Apr. 7, 1960	4453
Israel	do	Dec. 19, 1960	4655
Do.	do	Apr. 7, 1977	8557
Italy	Research and power	Apr. 15, 1958	4016
Do.	Amend and extend	July 22, 1959	4689
Do.	Research	May 29, 1975	8346
Japan	Research and power	July 10, 1968	6517
Do.	Amend and extend	Feb. 29, 1972	7306

UNITED STATES LIST OF AGREEMENTS FOR COOPERATION IN ATOMIC ENERGY BILATERALS WITH INDIVIDUAL COUNTRIES—Continued

Country	Scope	Effective date	TIAS No
Japan.....	Amend and extend.....	Mar. 28, 1973	7758
Do.....	Research.....	May 30, 1974	8341
Do.....	do.....	Feb. 23, 1976	8246
Do.....	do.....	Mar. 9, 1976	8616
Korea.....	do.....	Nov. 18, 1960	4617
Do.....	Research and power.....	Mar. 19, 1973	7583
Do.....	Amend and extend.....	May 15, 1974	7842
Do.....	Research.....	Mar. 18, 1976	8283
Lebanon.....	do.....	Sept. 16, 1959	4343
Netherlands.....	do.....	Dec. 24, 1976	-----
Do.....	do.....	Oct. 3, 1977	-----
New Zealand.....	do.....	Mar. 23, 1960	4445
Norway.....	Research and power.....	June 8, 1967	6260
Do.....	Amend and extend.....	Dec. 23, 1969	6849
Do.....	Research.....	Jan. 1, 1976	-----
Peru.....	do.....	Aug. 22, 1959	4304
Philippines.....	Research and power.....	July 19, 1968	6522
Portugal.....	do.....	June 26, 1974	7844
South Africa.....	do.....	Aug. 22, 1957	3885
Do.....	Amend and extend.....	July 12, 1962	5129
Do.....	do.....	July 17, 1967	6312
Do.....	do.....	May 22, 1974	7845
Spain.....	Research and power.....	June 28, 1974	7841
Do.....	Research.....	Oct. 29, 1974	8344
Sweden.....	Research and power.....	Sept. 15, 1966	6076
Do.....	Amend and extend.....	Oct. 22, 1970	7000
Do.....	do.....	May 10, 1974	7854
Do.....	Research.....	Dec. 6, 1974	8340
Do.....	do.....	Dec. 16, 1974	8343
Do.....	do.....	July 1, 1977	-----
Switzerland.....	Research and power.....	Aug. 8, 1966	6059
Do.....	Amend and extend.....	Nov. 2, 1973	7773
Do.....	Research.....	Dec. 9, 1974	8342
Thailand.....	Research and power.....	June 27, 1974	7850
Turkey.....	Research.....	June 10, 1955	3320
Do.....	Amend and extend.....	Apr. 27, 1961	4748
Do.....	do.....	June 3, 1965	5828
Do.....	do.....	May 11, 1966	6040
Do.....	do.....	May 20, 1971	7122
Union of Soviet Socialist Republics.....	Research and power.....	June 21, 1973	7655
United Kingdom.....	Research.....	Aug. 19, 1943	2993
Do.....	Research and power.....	Mar. 13, 1975	8355
Do.....	Research.....	Oct. 10, 1975	8359
Do.....	do.....	Sept. 20, 1976	-----
Do.....	do.....	Dec. 14, 1976	8687
Do.....	do.....	Aug. 3, 1977	8688
Venezuela.....	Research and power.....	Feb. 9, 1960	4416
Do.....	Amend and extend.....	Nov. 14, 1969	6945
Vietnam, Republic of.....	Research.....	July 1, 1959	4251
Do.....	Amend and extend.....	June 9, 1964	5622
Do.....	do.....	May 14, 1974	7846
Yugoslavia.....	Research.....	Apr. 19, 1961	4731

AGREEMENTS FOR COOPERATION IN THE USE OF ATOMIC ENERGY

TRILATERALS BETWEEN THE UNITED STATES, THE INTERNATIONAL ATOMIC ENERGY AGENCY, AND OTHER COUNTRIES FOR THE APPLICATION OF SAFEGUARDS BY THE INTERNATIONAL ATOMIC ENERGY AGENCY TO EQUIPMENT, DEVICES, AND MATERIALS SUPPLIED UNDER THE BILATERAL AGREEMENTS FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY

Country	Effective date	TIAS No.
Argentina.....	July 25, 1969	6722
Australia.....	¹ Sept. 26, 1966	6117
Austria.....	² Jan. 24, 1970	6816
Brazil.....	Oct. 31, 1968	6583
Amended.....	July 27, 1972	7440
China, Republic of.....	Dec. 6, 1971	7228
Colombia.....	Dec. 9, 1970	7010
Extended.....	Mar. 28, 1977	8556
India.....	Jan. 27, 1971	7049
Indonesia.....	Dec. 6, 1967	6391
Iran.....	³ Aug. 20, 1969	6741
Israel.....	Apr. 4, 1975	8051
Extended.....	Apr. 7, 1977	6520
Korea.....	Jan. 5, 1968	6435
Amended.....	Nov. 30, 1972	7584
Philippines.....	⁴ July 19, 1968	6524
Portugal.....	July 19, 1969	6718
South Africa.....	July 26, 1967	6306
Amended.....	June 20, 1974	7848
Spain.....	Dec. 9, 1966	6182
Amended.....	June 28, 1974	7856
Sweden.....	⁵ Mar. 1, 1972	7295
Switzerland.....	Feb. 28, 1972	7294
Turkey.....	June 5, 1969	6692
Venezuela.....	Mar. 27, 1968	6433

¹ Suspended by agreement signed July 10, 1974.

² Suspended by agreement signed Sept. 21, 1971.

³ Suspended by agreement signed June 19, 1973.

⁴ Suspended by agreement signed Feb. 21, 1973.

⁵ Suspended by agreement signed Apr. 14, 1975.

TRILATERALS BETWEEN THE UNITED STATES, THE INTERNATIONAL ATOMIC ENERGY AGENCY AND OTHER COUNTRIES FOR THE SUSPENSION OF THE APPLICATION OF SAFEGUARDS PURSUANT TO THE NONPROLIFERATION TREATY OF JULY 1, 1968.

Country	Effective date	TIAS No.
Australia.....	July 10, 1974	7865
Austria.....	July 23, 1972	7409
Denmark.....	Mar. 1, 1972	7239
Greece.....	do.....	7290
Iran.....	May 15, 1974	7829
Norway.....	Sept. 25, 1973	7721
Philippines.....	Oct. 16, 1974	7957
Sweden.....	May 6, 1975	8046
Thailand.....	June 27, 1974	7849
Vietnam.....	Jan. 9, 1974	7780

APPENDIX 18

S. RES. 179 RELATING TO NONPROLIFERATION OF NUCLEAR WEAPONS

[89th CONGRESS, 2D SESSION]

[MAY 17, 1966]

Whereas the spread of nuclear weapons constitutes a grave threat to the security and peace of all nations; and

Whereas the knowledge and ability to design and manufacture nuclear weapons is becoming more universally known; and

Whereas the danger of nuclear war becomes greater as additional nations achieve independent nuclear weapon capability; and

Whereas it is the policy of the United States, as stated by President Johnson, "to seek agreements that will limit the perilous spread of nuclear weapons, and make it possible for all countries to refrain without fear from entering the nuclear arms race": Therefore be it

Resolved, That the Senate commends the President's serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons and supports the principle of additional efforts by the President which are appropriate and necessary in the interest of peace for the solution of nuclear proliferous problems.

INDEX TO LEGISLATIVE HISTORY OF S. RES. 179

(Page references are to daily editions of Congressional Record, 89th Cong., 2d Sess.)

S. Res. 179 introduced by Senator Pastore and others January 18, 1966, 439. Referred to the Joint Committee on Atomic Energy, and ordered further that when reported the resolution be referred to the Committee on Foreign Relations, 439.

Hearings: Held before the Joint Committee on Atomic Energy on Feb. 23, and March 1 and 7, 1966; published under the title "Nonproliferation of Nuclear Weapons."

Reported (S. Rept. No. 1141), April 28, 1966, 8866.

Referred to the Committee on Foreign Relations, 8866.

Reported (S. Rept. No. 1155), May 11, 1966.

Passed Senate. May 17, 1966, 10281-10297.

APPENDIX 19

EXECUTIVE ORDERS CONCERNING INTERNATIONAL ATOMIC COOPERATION

EXECUTIVE ORDER 10841

PROVIDING FOR THE CARRYING OUT OF CERTAIN PROVISIONS OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED, RELATING TO INTERNATIONAL COOPERATION

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), hereinafter referred to as the Act, and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Whenever the President, pursuant to section 123 of the Act, has approved and authorized the execution of a proposed agreement providing for cooperation pursuant to section 91c, 144a, 144b, or 144c of the Act (42 U.S.C. 2121(c), 2164(a), 2164(b), 2164(c)), such approval and authorization by the President shall constitute his authorization to cooperate to the extent provided for in the agreement and in the manner provided for in section 91c, 144a, 144b, or 144c, as pertinent. In respect of sections 91c, 144b, and 144c, authorizations by the President to cooperate shall be subject to the requirements of section 123d of the Act and shall also be subject to appropriate determinations made pursuant to section 2 of this order.

SEC. 2. (a) The Secretary of Defense and the Atomic Energy Commission are hereby designated and empowered to exercise jointly, after consultation with executive agencies as may be appropriate, the following-described authority without the approval, ratification, or other action of the President:

(1) The authority vested in the President by section 91c of the Act to determine that the proposed cooperation and each proposed transfer arrangement referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security.

(2) The authority vested in the President by section 144b of the Act to determine that the proposed cooperation and the proposed communication of Restricted Data referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security.

(3) The authority vested in the President by section 144c of the Act to determine that the proposed cooperation and the communication of the proposed Restricted Data referred to in that section will promote and will not constitute an unreasonable risk to the common defense and security.

(b) Whenever the Secretary of Defense and the Atomic Energy Commission are unable to agree upon a joint determination under the provisions of subsection (a) of this section, the recommendations of each of them, together with the recommendations of other agencies concerned, shall be referred to the President, and the determination shall be made by the President.

SEC. 3. This order shall not be construed as delegating the function vested in the President by section 91c of the Act of approving programs proposed under that section.

SEC. 4. (a) The functions of negotiating and entering into international agreements under the Act shall be performed by or under the authority of the Secretary of State.

(b) International cooperation under the Act shall be subject to the responsibilities of the Secretary of State with respect to the foreign policy of the United States pertinent thereto.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE.
September 30, 1959.

EXECUTIVE ORDER 10956

AMENDMENT OF EXECUTIVE ORDER NO. 10841, RELATING TO INTERNATIONAL COOPERATION UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

Executive Order No. 10841 of September 30, 1959, entitled "Providing for the Carrying Out of Certain Provisions of the Atomic Energy Act of 1954, as Amended, Relating to International Cooperation," is hereby amended by changing the period at the end of paragraph (2) of section 2(a) thereof to a colon and adding to such paragraph the following: "Provided, that each determination made under this paragraph shall be referred to the President and, unless disapproved by him, shall become effective fifteen days after such referral or at such later time as may be specified in the determination."

JOHN F. KENNEDY.

THE WHITE HOUSE,
August 10, 1961.

EXECUTIVE ORDER 12058

FUNCTIONS RELATING TO NUCLEAR NON-PROLIFERATION

By virtue of the authority vested in me by the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242, 92 Stat. 120, 22 U.S.C. 3201) and the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Department of Energy.* The following functions vested in the President by the Nuclear Non-Proliferation Act of 1978 (92 Stat. 120, 22 U.S.C. 3201), hereinafter referred to as the Act, and by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), hereinafter referred to as the 1954 Act, are delegated or assigned to the Secretary of Energy:

(a) That function vested by Section 402(b) of the Act (92 Stat. 145, 42 U.S.C. 2153a).

(b) Those functions vested by Sections 131a(2) (G), 131b(1), and 131f(2) of the 1954 Act (92 Stat. 127, 42 U.S.C. 2160).

(c) That function vested by Section 131f(1) (A) (ii) of the 1954 Act to the extent it relates to the preparation of a detailed generic plan.

SEC. 2. *Department of State.* The Secretary of State shall be responsible for performing the following functions vested in the President:

(a) Those functions vested by Sections 104(a), 104(d), 105, 403, 404, 407, and 501 of the Act (92 Stat. 122, 123, 123, 146, 147, 148, and 148, 22 U.S.C. 3223(a), 3223(d), 3224, and 42 U.S.C. 2153b, 2153c, 2153e, and 22 U.S.C. 3261).

(b) That function vested by Section 128a(2) of the 1954 Act (92 Stat. 137, 42 U.S.C. 2157(a) (2)).

(c) That function vested by Section 601 of the Act to the extent it relates to the preparation of an annual report.

(d) The preparation of timely information and recommendations related to the President's functions vested by Sections 126, 128b, and 129 of the 1954 Act (92 Stat. 131, 137, and 138, 42 U.S.C. 2155, 2157, and 2158).

(e) That function vested by Section 131c of the 1954 Act (92 Stat. 129, 42 U.S.C. 2160(c)); except that, the Secretary shall not waive the 60-day requirement for the preparation of a Nuclear Non-Proliferation Assessment Statement for more than 60 days without the approval of the President.

SEC. 3. *Department of Commerce.* The Secretary of Commerce shall be responsible for performing the function vested in the President by Section 309(c) of the Act (92 Stat. 141, 42 U.S.C. 2139a).

SEC. 4. *Coordination.* In performing the functions assigned to them by this Order, the Secretary of Energy and the Secretary of State shall consult and coordinate their actions with each other and with the heads of other concerned agencies.

SEC. 5. *General Provisions.* (a) Executive Order No. 11902 of February 2, 1976, entitled "Procedures for an Export Licensing Policy as to Nuclear Materials and Equipment," is revoked.

(b) The performance of functions under either the Act or the 1954 Act shall not be delayed pending the development of procedures, even though as many as 120 days are allowed for establishing them. Except where it would be inconsistent to do so, such functions shall be carried out in accordance with procedures similar to those in effect immediately prior to the effective date of the Act.

JIMMY CARTER.

THE WHITE HOUSE, May 11, 1978.

APPENDIX 20

SENATE RESOLUTION 221 AND RELATED DOCUMENT

RESOLUTION

Urging the President of the United States to take the leadership in seeking international cooperation in strengthening safeguards of nuclear materials.

Whereas the Senate of the United States ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in recognition of the devastation associated with a nuclear war and of the need to make every effort to avert the danger of such a war;

Whereas the parties to the treaty expressed a common belief that the proliferation of nuclear weapons would seriously increase the danger of nuclear war;

Whereas the United States and other parties to the treaty pledged to accept specified safeguards regarding the transfer to nonnuclear-weapon states of special nuclear materials and facilities for the processing, use, or production of such materials;

Whereas recent events, including the explosion of nuclear devices, the development of uranium enrichment facilities, and the proposed transfer of nuclear enrichment and reprocessing facilities to nonnuclear-weapon states, emphasize the imperative need to increase the scope, comprehensiveness, and effectiveness of international safeguards on peaceful nuclear activities so that there will be no further proliferation of nuclear weapons capability;

Whereas the Senate of the United States is particularly concerned about the consequences of transactions without effective safeguards that could lead to the production of plutonium and other special nuclear materials by nonnuclear-weapon states throughout the world; and

Whereas the Senate is particularly concerned about the proliferation threat posed by the possibility of the development in the near future of a large number of independent national enrichment and reprocessing facilities and therefore believes that the United States should take the lead in securing agreement for the development of regional multinational, rather than national, centers to undertake enrichment and reprocessing activities in order to minimize the spread of technology which could be used to develop nuclear explosives: Now, therefore, be it

Resolved, That the President seek the immediate international consideration of strengthening the effectiveness of the International Atomic Energy Agency's safeguards on peaceful nuclear activities and seek intensified cooperation with other nuclear suppliers to insure that the most stringent safeguard conditions are applied to the transfer of nuclear equipment and technology to prevent the proliferation of nuclear explosive capability; be it further

Resolved, That the Senate of the United States strongly requests and urges the President to seek through the highest level of consultation in the United Nations and with the other leaders of the world community an intensive cooperative international effort to strengthen and improve both the scope, comprehensiveness, and effectiveness of the international safeguards on peaceful nuclear activities so that there will be a substantial and immediate reduction in the risk of diversion or theft of plutonium and other special nuclear materials to military or other uses that would jeopardize world peace and security; be it further

Resolved, That the President seek, through consultation with suppliers of nuclear equipment and technology, their restraint in the transfer of nuclear technology and their cooperation in assuring that such equipment and technology only is transferred to other nations under the most rigorous, prudent, and safeguarded conditions designed to assure that the technology itself is not employed for the production of nuclear explosives; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States and to the Secretary of State.

INDEX TO LEGISLATIVE HISTORY OF S. RES. 221

(Page references are to the daily editions of the Congressional Record, 94th Cong., 1st Sess.)

S. Res. 221 introduced by Mr. Pastore (for himself, Mr. Mondale, Mr. Inouye, Mr. Montoya, and Mr. Symington) on July 26, 1975, and referred to the Senate Committee on Foreign Relations, S13859-61.

Reported (S. Rept. No. 94-525) December 10, 1975, S21583.

Considered and agreed to by the Senate on December 12, 1975, S21961.

APPENDIX 21

TRANSPORTATION SAFETY ACT OF 1974

(88 Stat. 2156)

[PUBLIC LAW 93-633]

[H.R. 15223]

[JANUARY 3, 1975]

AN ACT

88 STAT. 2156 To regulate commerce by improving the protections afforded the public against risks connected with the transportation of hazardous materials, and for other purposes.

Transportation
Safety Act of
1974.
49 U.S.C. 1801
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Transportation Safety Act of 1974".

TITLE I—HAZARDOUS MATERIALS

SHORT TITLE

Hazardous
Materials
Transportation
Act.
49 U.S.C. 1801
note.
49 U.S.C. 1801.

SEC. 101. This title may be cited as the "Hazardous Materials Transportation Act".

DECLARATION OF POLICY

SEC. 102. It is declared to be the policy of Congress in this title to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce.

DEFINITIONS

49 U.S.C. 1802. SEC. 103. As used in this title, the term—

(1) "commerce" means trade, traffic, commerce, or transportation, within the jurisdiction of the United States, (A) between a place in a State and any place outside of such State, or (B) which affects trade, traffic, commerce, or transportation described in clause (A) ;

(2) "hazardous material" means a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce ;

(3) "Secretary" means the Secretary of Transportation, or his delegate ;

(4) "serious harm" means death, serious illness, or severe personal injury ;

(5) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam ;

(6) "transports" or "transportation" means any movement of property by any mode, and any loading, unloading, or storage incidental thereto ; and

(7) "United States" means all of the States.

DESIGNATION OF HAZARDOUS MATERIALS

SEC. 104. Upon a finding by the Secretary, in his discretion, that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he shall designate such quantity and form of material or group or class of such materials as a hazardous material. The materials so designated may include, but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases. 49 U.S.C. 1803.

REGULATIONS GOVERNING TRANSPORTATION OF HAZARDOUS MATERIALS

SEC. 105. (a) GENERAL.—The Secretary may issue, in accordance with the provisions of section 553 of title 5, United States Code, including an opportunity for informal oral presentation, regulations for the safe transportation in commerce of hazardous materials. Such regulations shall be applicable to any person who transports, or causes to be transported or shipped, a hazardous material, or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person for use in the transportation in commerce of certain hazardous materials. Such regulations may govern any safety aspect of the transportation of hazardous materials which the Secretary deems necessary or appropriate, including, but not limited to, the packing, repacking, handling, labeling, marking, placarding, and routing (other than with respect to pipelines) of hazardous materials, and the manufacture, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold by such person for use in the transportation of certain hazardous materials. 49 U.S.C. 1804.

(b) COOPERATION.—In addition to other applicable requirements, the Secretary shall consult and cooperate with representatives of the Interstate Commerce Commission and shall consider any relevant suggestions made by such Commission, before issuing any regulation with respect to the routing of hazardous materials. Such Commission shall, to the extent of its lawful authority, take such action as is necessary or appropriate to implement any such regulation.

(c) REPRESENTATION.—No person shall, by marking or otherwise, represent that a container or package for the transportation of hazardous materials is safe, certified, or in compliance with the requirements of this Act, unless it meets the requirements of all applicable regulations issued under this Act.

HANDLING OF HAZARDOUS MATERIALS

SEC. 106. (a) CRITERIA.—The Secretary is authorized to establish criteria for handling hazardous materials. Such criteria may include, but need not be limited to, a minimum number of personnel; a minimum level of training and qualification for such personnel; type and frequency of inspection; equipment to be used for detection, warning, and control of risks posed by such materials; specifications regarding the use of equipment and facilities used in the handling and transportation of such materials; and a system of monitoring safety assurance procedures for the transportation of such materials. The Secretary may revise such criteria as required. 49 U.S.C. 1805.

(b) REGISTRATION.—Each person who transports or causes to be transported or shipped in commerce hazardous materials or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests packages or containers which are represented, marked, certified, or sold by such person for use in the transportation in commerce of certain hazardous materials (designated

by the Secretary) may be required by the Secretary to prepare and submit to the Secretary a registration statement not more often than once every 2 years. Such a registration statement shall include, but need not be limited to, such person's name; principal place of business; the location of each activity handling such hazardous materials; a complete list of all such hazardous materials handled; and an averment that such person is in compliance with all applicable criteria established under subsection (a) of this section. The Secretary shall by regulation prescribe the form of any such statement and the information required to be included. The Secretary shall make any registration statement filed pursuant to this subsection available for inspection by any person, without charge, except that nothing in this sentence shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) REQUIREMENT.—No person required to file a registration statement under subsection (b) of this section may transport or cause to be transported or shipped hazardous materials, or manufacture, fabricate, mark, maintain, recondition, repair, or test packages or containers for use in the transportation of hazardous materials, unless he has on file a registration statement.¹

EXEMPTIONS

49 U.S.C. 1806.

SEC. 107. (a) GENERAL.—The Secretary, in accordance with procedures prescribed by regulation, is authorized to issue or renew, to any person subject to the requirements of this title, an exemption from the provisions of this title, and from regulations issued under section 105 of this title, if such person transports or causes to be transported or shipped hazardous materials in a manner so as to achieve a level of safety (1) which is equal to or exceeds that level of safety which would be required in the absence of such exemption, or (2) which would be consistent with the public interest and the policy of this title in the event there is no existing level of safety established. The maximum period of an exemption issued or renewed under this section shall not exceed 2 years, but any such exemption may be renewed upon application to the Secretary. Each person applying for such an exemption or renewal shall, upon application, provide a safety analysis as prescribed by the Secretary to justify the grant of such exemption. A notice of an application for issuance or renewal of such exemption shall be published in the Federal Register. The Secretary shall afford access to any such safety analysis and an opportunity for public comment on any such application, except that nothing in this sentence shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

Publication in
Federal
Register.

Exclusion.

(b) VESSELS.—The Secretary shall exclude, in whole or in part, from any applicable provisions and regulations under this title, any vessel which is excepted from the application of section 201 of the Ports and Waterways Safety Act of 1972 by paragraph (2) of such section (46 U.S.C. 391a(2)), or any other vessel regulated under such Act, to the extent of such regulation.

(c) FIREARMS AND AMMUNITION.—Nothing in this title, or in any regulation issued under this title, shall be construed to prohibit or regulate the transportation by any individual, for personal use, of any firearm (as defined in paragraph (4) of section 232 of title 18, United States Code) or any ammunition therefor, or to prohibit any transportation of firearms or ammunition in commerce.

(d) LIMITATION ON AUTHORITY.—Except when the Secretary determines that an emergency exists, exemptions or renewals

¹ Public Law 94-474 (90 Stat. 2068) (1976), sec. 2, amended sec. 106(c), by striking out "extremely" each time it appears.

granted pursuant to this section shall be the only means by which a person subject to the requirements of this title may be exempted from or relieved of the obligation to meet any requirements imposed under this title.

TRANSPORTATION OF RADIOACTIVE MATERIALS ON PASSENGER-CARRYING AIRCRAFT

SEC. 108. (a) GENERAL.—Within 120 days after the date of enactment of this section, the Secretary shall issue regulations, in accordance with this section and pursuant to section 105 of this title, with respect to the transportation of radioactive materials on any passenger-carrying aircraft in air commerce, as defined in section 101(4) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(4)). Such regulations shall prohibit any transportation of radioactive materials on any such aircraft unless the radioactive materials involved are intended for use in, or incident to, research, or medical diagnosis or treatment, so long as such materials as prepared for and during transportation do not pose an unreasonable hazard to health and safety. The Secretary shall further establish effective procedures for monitoring and enforcing the provisions of such regulations.

Regulations.
49 U.S.C. 1807.

(b) DEFINITION.—As used in this section, “radioactive materials” means any materials or combination of materials which spontaneously emit ionizing radiation. The term does not include materials in which (1) the estimated specific activity is not greater than 0.002 microcuries per gram of material; and (2) the radiation is distributed in an essentially uniform manner.

POWERS AND DUTIES OF THE SECRETARY

SEC. 109. (a) GENERAL.—The Secretary is authorized, to the extent necessary to carry out his responsibilities under this title, to conduct investigations, make reports, issue subpoenas, conduct hearings, require the production of relevant documents, records, and property, take depositions, and conduct, directly or indirectly, research, development, demonstration, and training activities. The Secretary is further authorized, after notice and an opportunity for a hearing, to issue orders directing compliance with this title or regulations issued under this title; the district courts of the United States shall have jurisdiction, upon petition by the Attorney General, to enforce such orders by appropriate means.

49 U.S.C. 1808.

(b) RECORDS.—Each person subject to requirements under this title shall establish and maintain such records, make such reports, and provide such information as the Secretary shall by order or regulation prescribe, and shall submit such reports and shall make such records and information available as the Secretary may request.

Notice, hearing
opportunity.
Jurisdiction.

(c) INSPECTION.—The Secretary may authorize any officer, employee, or agent to enter upon, inspect, or examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to—

(1) the manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or distribution of packages or containers for use by any person in the transportation of hazardous materials in commerce; or

(2) the transportation or shipment by any person of hazardous materials in commerce.

Any such officer, employee, or agent shall, upon request, display proper credentials.

(d) FACILITIES AND DUTIES.—The Secretary shall—

(1) establish and maintain facilities and technical staff sufficient to provide, within the Federal Government, the capability of evaluating risks connected with the transportation of hazardous materials and materials alleged to be hazardous;

Report to
President,
transmittal to
Congress.
Contents.

(2) establish and maintain a central reporting system and data center so as to be able to provide the law-enforcement and firefighting personnel of communities, and other interested persons and government officers, with technical and other information and advice for meeting emergencies connected with the transportation of hazardous materials; and

(3) conduct a continuing review of all aspects of the transportation of hazardous materials in order to determine and to be able to recommend appropriate steps to assure the safe transportation of hazardous materials.

(e) ANNUAL REPORT.—The Secretary shall prepare and submit to the President for transmittal to the Congress on or before May 1 of each year a comprehensive report on the transportation of hazardous materials during the preceding calendar year. Such report shall include, but need not be limited to—

(1) a thorough statistical compilation of any accidents and casualties involving the transportation of hazardous materials;

(2) a list and summary of applicable Federal regulations, criteria, orders, and exemptions in effect;

(3) a summary of the basis for any exemptions granted or maintained;

(4) an evaluation of the effectiveness of enforcement activities and the degree of voluntary compliance with applicable regulations;

(5) a summary of outstanding problems confronting the administration of this title, in order of priority; and

(6) such recommendations for additional legislation as are deemed necessary or appropriate.

PENALTIES

49 U.S.C. 1809.

SEC. 110. (a) CIVIL.—(1) Any person (except an employee who acts without knowledge) who is determined by the Secretary, after notice and an opportunity for a hearing, to have knowingly committed an act which is a violation of a provision of this title or of a regulation issued under this title, shall be liable to the United States for a civil penalty. Whoever knowingly commits an act which is a violation of any regulation, applicable to any person who transports or causes to be transported or shipped hazardous materials, shall be subject to a civil penalty of not more than \$10,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense. Whoever knowingly commits an act which is a violation of any regulation applicable to any person who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person for use in the transportation in commerce of hazardous materials shall be subject to a civil penalty of not more than \$10,000 for each violation. The amount of any such penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

(2) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, prior to referral to the Attorney General, such civil penalty may be compromised by the Secretary.

The amount of such penalty, when finally determined (or agreed upon in compromise), may be deducted from any sums owed by

the United States to the person charged. All penalties collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

(b) **CRIMINAL.**—A person is guilty of an offense if he willfully violates a provision of this title or a regulation issued under this title. Upon conviction, such person shall be subject, for each offense, to a fine of not more than \$25,000, imprisonment for a term not to exceed 5 years, or both.

SPECIFIC RELIEF

SEC. 111. (a) GENERAL.—The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of this title, or an order or regulation issued under this title. Such district courts shall have jurisdiction to determine such actions and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunction relief, interim equitable relief, and punitive damages. 49 U.S.C. 1810.

(b) **IMMINENT HAZARD.**—If the Secretary has reason to believe that an imminent hazard exists, he may petition an appropriate district court of the United States, or upon his request the Attorney General shall so petition, for an order suspending or restricting the transportation of the hazardous material responsible for such imminent hazard, or for such other order as is necessary to eliminate or ameliorate such imminent hazard. As used in this subsection, an “imminent hazard” exists if there is substantial likelihood that serious harm will occur prior to the completion of an administrative hearing or other formal proceeding initiated to abate the risk of such harm.

“Imminent hazard.”

RELATIONSHIP TO OTHER LAWS

SEC. 112. (a) GENERAL.—Except as provided in subsection (b) of this section, any requirement, of a State or political subdivision thereof, which is inconsistent with any requirement set forth in this title, or in a regulation issued under this title, is preempted. 49 U.S.C. 1811.

(b) **STATE LAWS.**—Any requirement, of a State or political subdivision thereof, which is not consistent with any requirement set forth in this title, or in a regulation issued under this title, is not preempted if, upon the application of an appropriate State agency, the Secretary determines, in accordance with procedures to be prescribed by regulation, that such requirement (1) affords an equal or greater level of protection to the public than is afforded by the requirements of this title or of regulations issued under this title and (2) does not unreasonably burden commerce. Such requirement shall not be preempted to the extent specified in such determination by the Secretary for so long as such State or political subdivision thereof continues to administer and enforce effectively such requirement.

(c) **OTHER FEDERAL LAWS.**—The provisions of this title shall not apply to pipelines which are subject to regulation under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.) or to pipelines which are subject to regulation under chapter 39 of title 18, United States Code. 18 U.S.C. 831.

CONFORMING AMENDMENTS

SEC. 113. (a) Section 4472 of title 52 of the Revised Statutes of the United States, as amended (46 U.S.C. 170) is amended—

(1) by inserting, in the first sentence of paragraph (14) thereof, “criminal” before the word “penalty” and “or imprisoned not more than 5 years, or both” before the phrase “for each violation”; and

(2) by adding at the end thereof the following new paragraph:

Penalty.

"(17) (A) Any person (except an employee who acts without knowledge) who is determined by the Secretary, after notice and an opportunity for a hearing, to have knowingly committed an act which is a violation of any provision of this section, or of any regulation issued under this section, shall be liable to the United States for a civil penalty of not more than \$10,000 for each day of each violation. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

"(B) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States, in the appropriate district court of the United States or, prior to referral to the Attorney General, such civil penalty may be compromised by the Secretary. The amount of such penalty, when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the United States to the person charged. All penalties collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts."

(b) Section 901(a) (1) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a) (1)) is amended—

(1) by inserting immediately before the period at the end of the first sentence thereof and inserting in lieu thereof: "except that the amount of such civil penalty shall not exceed \$10,000 for each such violation which relates to the transportation of hazardous materials."; and

(2) by deleting in the second sentence thereof ": *Provided*, That this" and inserting in lieu thereof the following: ". The amount of any such civil penalty which relates to the transportation of hazardous materials shall be assessed by the Secretary, or his delegate, upon written notice upon a finding of violation by the Secretary, after notice and an opportunity for a hearing. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require. This".

(c) Section 902(h) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(h)) is amended to read as follows:

"HAZARDOUS MATERIALS

"(h) (1) In carrying out his responsibilities under this Act, the Secretary of Transportation may exercise the authority vested in him by section 105 of the Hazardous Materials Transportation Act to provide by regulation for the safe transportation of hazardous materials by air.

Ante, p. 2157.

Penalty.

"(2) A person is guilty of an offense if he willfully delivers or causes to be delivered to an air carrier or to the operator of a civil aircraft for transportation in air commerce, or if he recklessly causes the transportation in air commerce of, any shipment, baggage, or other property which contains a hazardous material, in violation of any rule, regulation, or requirement with respect to the transportation of hazardous materials issued by the Secretary of Transportation under this Act. Upon conviction, such person shall be subject, for each offense, to a fine of not more

than \$25,000, imprisonment for a term not to exceed 5 years, or both.

"(3) Nothing in this subsection shall be construed to prohibit or regulate the transportation by any individual, for personal use, of any firearm (as defined in paragraph (4) of section 232 of title 18, United States Code) or any ammunition therefor."

(d) Section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)) is amended by inserting in the first sentence thereof after "aviation safety" and before "as set forth in" the following: (other than those relating to the transportation, packaging, marking, or description of hazardous materials)".

(e)(1) Section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(A)) is amended by striking out the period at the end thereof and by inserting in lieu thereof "(other than subsection (e)(4))."

(2) Section 6(f)(3)(B) of the Department of Transportation Act (49 U.S.C. 1655(f)(3)(B)) is amended by striking out the period at the end thereof and by inserting in lieu thereof "(other than subsection (e)(4))."

(f) Subsection (6) of section 4472 of the Revised Statutes, as amended (46 U.S.C. 170(6)), is amended—

(1) in paragraph (a) thereof, by striking out "inflammable" each place it appears and inserting in lieu thereof at each such place "flammable"; by inserting before "liquids" the following: "or combustible"; and by deleting the colon and the proviso in its entirety and by inserting in lieu thereof a period and the following two new sentences: "The provisions of this subsection shall apply to the transportation, carriage, conveyance, storage, stowing, or use on board any passenger vessel of any barrel, drum, or other package containing any flammable or combustible liquid which has a lower flash point than that which is defined as safe pursuant to regulations establishing the defining flash-point criteria for flammable and combustible liquids. Such regulations shall be prescribed and revised as necessary, by the Secretary of Transportation."

(2) in paragraph (b) thereof, by striking out in clause (iv) thereof "inflammable liquids" and inserting in lieu thereof "flammable or combustible liquids".

(g) The Hazardous Materials Transportation Control Act of 1970 (Pub. L. 91-458, title III; 49 U.S.C. 1761-1762) is repealed. Repeal

EFFECTIVE DATE

SEC. 114. (a) Except as provided in this section, the provisions of the title shall take effect on the date of enactment.

(b)(1) Except as provided in section 108 of this title or paragraph (2) of this subsection, any order, determination, rule, regulation, permit, contract, certificate, license, or privilege issued, granted, or otherwise authorized or allowed prior to the date of enactment of this title, pursuant to any provision of law amended or repealed by this title, shall continue in effect according to its terms or until repealed, terminated, withdrawn, amended, or modified by the Secretary or a court of competent jurisdiction.

(2) The Secretary shall take all steps necessary to bring orders, determinations, rules, and regulations into conformity with the purposes and provisions of this title as soon as practicable, but in any event no permits, contracts, certificates, licenses, or privileges granted prior to the date of enactment of this title, or renewed or extended thereafter, shall be of any effect more than 2 years after the date of enactment of this title, unless there is full compliance with the purposes and provisions of this Act and regulations thereunder.

(c) Proceedings pending upon the date of enactment of this title shall not be affected by the provisions of this title and shall

49 U.S.C. 1801
note.

be completed as if this title had not been enacted, unless the Secretary makes a determination that the public health and safety otherwise require.

AUTHORIZATION FOR APPROPRIATIONS

49 U.S.C. 1812 SEC. 115. There are authorized to be appropriated to carry out the provisions of this title not to exceed \$7,000,000 for the fiscal year ending June 30, 1976,² not to exceed \$1,750,000 for the transition period of July 1, 1976, through September 30, 1976,³ not to exceed \$5,000,000 per fiscal year for the fiscal years ending September 30, 1977, and September 30, 1978,⁴ and not to exceed \$5,000,000 for the fiscal year ending September 30, 1979.⁵

² Public Law 94-474 (90 Stat. 2068 (1976) sec. 3, struck out the word "and."

³ Public Law 94-56 (89 Stat. 264) (1975) sec. 4, substituted a new sec. 115, which before amendment read as follows: "There is authorized to be appropriated for the purpose of this title, not to exceed \$7,000,000 for the fiscal year ending June 30, 1975."

⁴ Public Law 94-474 (90 Stat. 2068) (1976), sec. 3, added funds for fiscal years 1977 and 1978.

⁵ Public Law 95-403 (92 Stat. 863) (1978), added funds for fiscal year 1979.

APPENDIX 22

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, AS AMENDED

[83 Stat. 852]

[PUBLIC LAW 91-190]

[S. 1075]

[JANUARY 1, 1970]

AN ACT

To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

83 Stat. 852.
National Environmental
Policy Act of
1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Policies and
goals.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations

of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Administration

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes:

(D) Any detailed statement required under subparagraph

(C) after January 1, 1970, for any major Federal action

Copies of statements, etc.; availability.

81 Stat. 54.

funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a State agency or official, if:

- (i) the State agency or official has statewide jurisdiction and has the responsibility for such action,
- (ii) the responsible Federal official furnishes guidance and participates in such preparation,
- (iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and
- (iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other State or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such State or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.¹

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, an enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(I) assist the Council on Environmental Quality established by title II of this Act.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

Review

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorization of Federal agencies.

¹ Public Law 94-83 (89 Stat. 424) (1975) amended sec. 102 (2) by redesignating subparagraphs (D), (E), (F), (G), and (H) as subparagraphs (E), (F), (G), (H), and (I), respectively; and added a new subparagraph (D).

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

Report to
Congress.

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and non-governmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Council on
Environmental
Quality.

SEC. 202. There is created in the Executive Office of the President a council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

SEC. 203. (a)² The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Voluntary and
uncompensated
services.

(b) Notwithstanding section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.³

80 Stat. 416.
Duties and
functions.

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I

² Public Law 94-52 (89 Stat. 258) (1975), sec. 2 added (a) immediately after "Sec. 203.

³ Public Law 94-52 (89 Stat. 258) (1975), sec. 2 added a new subsec. (b).

of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315).

34 F. R. 8693.

Tenure and compensation.
80 Stat. 460,
461.

81 Stat. 638.

"ACCEPTANCE OF TRAVEL REIMBURSEMENT

SEC. 207.⁴ The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.⁵

42 U.S.C. 4346a

"EXPENDITURES FOR INTERNATIONAL TRAVEL

"SEC. 208. The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international

42 U.S.C. 4346b.

⁴Public Law 94-52 (89 Stat. 258) (1975), sec. 3 redesignated sec. 207 as sec. 209.

agreements; and (3) the support of international exchange programs in the United States and in foreign countries.”⁵

Appropriations.

Sec. 209.⁴ There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.

⁵ Public Law 94-52 (89 Stat. 258) (1975), sec. 3 added new subsections 207 and 208.

APPENDIX 23

SELECTED SECTIONS OF THE CLEAN AIR ACT OF 1977, AS AMENDED

* * * * *

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

SEC. 112. (a) For purposes of this section—

(1) The term "hazardous air pollutant" means an air pollutant to which no ambient air quality standard is applicable and which in the judgment of the Administrator may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

(2) The term "new source" means a stationary source the construction or modification of which is commenced after the Administrator proposes regulations under this section establishing an emission standard which will be applicable to such source.

(3) The terms "stationary source," "modification," "owner or operator" and "existing source" shall have the same meaning as such terms have under section 111(a).

(b) (1) (A) The Administrator shall, within 90 days after the date of enactment of the Clean Air Amendments of 1970, publish (and shall from time to time thereafter revise) a list which includes each hazardous air pollutant for which he intends to establish an emission standard under this section.

(B) Within 180 days after the inclusion of any air pollutant in such list, the Administrator shall publish proposed regulation establishing emission standards for such pollutant together with a notice of a public hearing within thirty days. Not later than 180 days after such publication, the Administrator shall prescribe an emission standard for such pollutant, unless he finds, on the basis of information presented at such hearings, that such pollutant clearly is not a hazardous air pollutant. The Administrator shall establish any such standard at the level which in his judgment provides an ample margin of safety to protect the public health from such hazardous air pollutant.

(C) Any emission standard established pursuant to this section shall become effective upon promulgation.

(2) The Administrator shall, from time to time, issue information on pollution control techniques for air pollutants subject to the provisions of this section.

(c) (1) After the effective date of any emission standard under this section—

(A) no person may construct any new source or modify any existing source which, in the Administrator's judgment, will emit an air pollutant to which such standard applies unless the Administrator finds that such source if properly operated will not cause emissions in violation of such standard, and

(B) no air pollutant to which such standard applies may be emitted from any stationary source in violation of such standard, except that in the case of an existing source—

(i) such standard shall not apply until 90 days after its effective date, and

(ii) the Administrator may grant a waiver permitting such source a period of up to two years after the effective date of a standard to comply with the standard, if he finds that such period is necessary for the installation of controls and that steps will be taken during the period of the waiver to assure that the health of persons will be protected from imminent endangerment.

(2) The President may exempt any stationary source from compliance with paragraph (1) for a period of not more than two years if he finds that the technology to implement such standards is not available and the operation of such source is required for reasons of national security. An exemption under this paragraph may be extended for one or more additional periods, each period not to exceed two years. The President shall make a report to Congress with respect to each exemption (or extension thereof) made under this paragraph.

(d) (1) Each State may develop and submit to the Administrator a procedure for implementing and enforcing emission standards for hazardous air pollutants for stationary sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this Act to implement and enforce such standards (except with respect to stationary sources owned or operated by the United States).

(2) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable emission standard under this section.

(e) (1) For purposes of this section, if in the judgment of the Administrator, it is not feasible to prescribe or enforce an emission standard for control of a hazardous air pollutant or pollutants, he may instead promulgate a design, equipment, work practice, or operational standard, or combination thereof, which in his judgment is adequate to protect the public health from such pollutant or pollutants with an ample margin of safety. In the event the Administrator promulgates a design or equipment standard under this subsection, he shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

(2) For the purpose of this subsection, the phrase "not feasible to prescribe or enforce an emission standard" means any situation in which the Administrator determines that (A) a hazardous pollutant or pollutants cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any Federal, State, or local law, or (B) the application of measurement methodology to a particular class of sources is not practicable due to technological or economic limitations.

(3) If after notice and opportunity for public hearing, any person establishes to the satisfaction of the Administrator that an alternative means of emission limitation will achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such air pollutant achieved under the requirement of paragraph (1), the Administrator shall permit the use of such alternative by the source for purposes of compliance with this section with respect to such pollutant.

(4) Any standard promulgated under paragraph (1) shall be promulgated in terms of an emission standard whenever it becomes feasible to promulgate and enforce such standard in such terms.

* * * * *

RETENTION OF STATE AUTHORITY

SEC. 116. Except as otherwise provided in sections 209, 211(c) (4), and 233 (preempting certain State regulation of moving sources) nothing in this Act shall preclude or deny the right of

any State or political subdivision thereof to adopt or enforce (1) any standard or limitation respecting emissions of air pollutants or (2) any requirement respecting control or abatement of air pollution; except that if an emission standard or limitation is in effect under an applicable implementation plan or under section 111 or 112, such State or political subdivision may not adopt or enforce any emission standard or limitation which is less stringent than the standard or limitation under such plan or section.

* * * * *

LISTING OF CERTAIN UNREGULATED POLLUTANTS

SEC. 122. (a) Not later than one year after date of enactment of this section (two years for radioactive pollutants) and after notice and opportunity for public hearing, the Administrator shall review all available relevant information and determine whether or not emissions of radioactive pollutants (including source material, special nuclear material, and byproduct material), cadmium, arsenic and polycyclic organic matter into the ambient air will cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health. If the Administrator makes an affirmative determination with respect to any such substance, he shall simultaneously with such determination include such substance in the list published under section 108(a)(1) or 112(b)(1)(A) (in the case of a substance which, in the judgment of the Administrator, causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness), or shall include each category of stationary sources emitting such substance in significant amounts in the list published under section 111(b)(1)(A), or take any combination of such actions.

(b) Nothing in subsection (a) shall be construed to affect the authority of the Administrator to revise any list referred to in subsection (a) with respect to any substance (whether or not enumerated in subsection (a)).

(c)(1) Before listing any source material, special nuclear, or byproduct material (or component or derivative thereof) as provided in subsection (a), the Administrator shall consult with the Nuclear Regulatory Commission.

(2) Not later than six months after listing any such material (or component or derivative thereof) the Administrator and the Nuclear Regulatory Commission shall enter into an interagency agreement with respect to those sources or facilities which are under the jurisdiction of the Commission. This agreement shall, to the maximum extent practicable consistent with this Act, minimize duplication of effort and conserve administrative resources in the establishment, implementation, and enforcement of emission limitations, standards of performance, and other requirements and authorities (substantive and procedural) under this Act respecting the emission of such material (or component or derivative thereof) from such sources or facilities.

(3) In case of any standard or emission limitation promulgated by the Administrator, under this Act or by any State (or the Administrator) under any applicable implementation plan under this Act, if the Nuclear Regulatory Commission determines, after notice and opportunity for public hearing that the application of such standard or limitation to a source or facility within the jurisdiction of the Commission would endanger public health or safety, such standard or limitation shall not apply to such facilities or sources unless the President determines otherwise within ninety days from the date of such finding.

(b) The Administrator of the Environmental Protection Agency shall conduct a study, in conjunction with other appropriate agencies, concerning the effect on the public health and welfare of

sulfates, radioactive pollutants, cadmium, arsenic, and polycyclic organic matter which are present or may reasonably be anticipated to occur in the ambient air. Such study shall include a thorough investigation of how sulfates are formed and how to protect public health and welfare from the injurious effects, if any, of sulfates, cadmium, arsenic, and polycyclic organic matter.

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SEC. 302. (g) The term "air pollutant" means any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air.

APPENDIX 24

SECTION 511 OF THE FEDERAL WATER POLLUTION CONTROL ACT OF 1972

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OTHER AFFECTED AUTHORITY

SEC. 511. (a) This Act shall not be construed as (1) limiting the authority or functions of any officer or agency of the United States under any other law or regulation not inconsistent with this Act; (2) affecting or impairing the authority of the Secretary of the Army (A) to maintain navigation or (B) under the Act of March 3, 1899 (30 Stat. 1112); except that any permit issued under section 404 of this Act shall be conclusive as to the effect on water quality of any discharge resulting from any activity subject to section 10 of the Act of March 3, 1899, or (3) affecting or impairing the provisions of any treaty of the United States.

30 Stat. 1151.

(b) Discharges of pollutants into the navigable waters subject to the Rivers and Harbors Act of 1910 (36 Stat. 593; 33 U.S.C. 421) and the Supervisory Harbors Act of 1888 (25 Stat. 209; 33 U.S.C. 441-451b) shall be regulated pursuant to this Act, and not subject to such Act of 1910 and Act of 1888 except as to effect on navigation and anchorage.

33 U.S.C. 403.

72 Stat. 970.

(c) (1) Except for the provision of Federal financial assistance for the purpose of assisting the construction of publicly owned treatment works as authorized by section 201 of this Act, and the issuance of a permit under section 402 of this Act for the discharge of any pollutant by a new source as defined in section 306 of this Act, no action of the Administrator taken pursuant to this Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852); and

42 U.S.C. 4321
note.

(2) Nothing in the National Environmental Policy Act of 1969 (83 Stat. 852) shall be deemed to—

(A) authorize any Federal agency authorized to license or permit the conduct of any activity which may result in the discharge of a pollutant into the navigable waters to review any effluent limitation or other requirement established pursuant to this Act or the adequacy of any certification under section 401 of this Act; or

(B) authorize any such agency to impose, as a condition precedent to the issuance of any license or permit, any effluent limitation other than any such limitation established pursuant to this Act.

APPENDIX 25

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

[PUBLIC LAW 92-532] [H.R. 9727]

[OCTOBER 23, 1972]

AN ACT

To regulate the transportation for dumping, and the dumping, of material into ocean waters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Protection, Research, and Sanctuaries Act of 1972".

FINDING, POLICY, AND PURPOSE

SEC. 2. (a) Unregulated dumping of material into ocean waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) The Congress declares that it is the policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.¹

(c) It is the purpose of this Act to regulate (1) the transportation by any person of material from the United States and, in the case of United States vessels, aircraft, or agencies, the transportation of material from a location outside the United States, when in either case the transportation is for the purpose of dumping the material into ocean waters, and (2) the dumping of material transported by any person from a location outside the United States, if the dumping occurs in the territorial sea or the contiguous zone of the United States.²

DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Ocean waters" means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

¹ Public Law 93-254 (88 Stat. 50) (1974) added subsec. 2(b) by deleting the following sentence: "To this end, it is the purpose of this Act to regulate the transportation of material from the United States for dumping into ocean waters, and the dumping of material, transported from outside the United States, if the dumping occurs in ocean waters over which the United States has jurisdiction or over which it may exercise control, under accepted principles of international law, in order to protect its territory or territorial sea."

² Public Law 93-254 (88 Stat. 50) (1974) added subsec. 2(c).

(c) "Material" means matter of any kind or description, including, but not limited to, dredged material, solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wreck or discarded equipment, rock, sand, excavation debris, and industrial, municipal, agricultural, and other waste; but such term does not mean sewage from vessels within the meaning of section 312 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1322). Oil within the meaning of section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321), shall be included only to the extent that such oil is taken on board a vessel or aircraft for the purpose of dumping.³

(d) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(e) "Person" means any private person or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(f) "Dumping" means a disposition of material: *Provided*, That it does not mean a disposition of any effluent from any outfall structure to the extent that such disposition is regulated under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1376),⁴ under the provisions of section 13 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 407), or under the provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011, et seq.), nor does it mean a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on, vessels: *Provided further*, That it does not mean the construction of any fixed structure or artificial island nor the intentional placement of any device in ocean waters or on or in the submerged land beneath such waters, for a purpose other than disposal, when such construction or such placement is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program: *And provided further*, That it does not include the deposit of oyster shells, or other materials when such deposit is made for the purpose of developing, maintaining, or harvesting fisheries resources and is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program.

(g) "District court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of Puerto Rico, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which court shall have jurisdiction over actions arising therein.

(h) "Secretary" means the Secretary of the Army.

(i) "Dredged material" means any material excavated or dredged from the navigable waters of the United States.

(j) "High-level radioactive waste" means the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels, or irradiated fuel from nuclear power reactors.

³ Public Law 93-254 (88 Stat. 50) (1974) amended sec. 3(c) by deleting the following words, "oil within the meaning of section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1161) and does not mean sewage from vessels within the meaning of section 13 of such Act (33 U.S.C. 1163)," and substituting after the words "but such term does not mean" a new passage beginning with "sewage from vessels within the meaning of section 312."

⁴ Public Law 93-254 (88 Stat. 50) (1974) amended sec. 3(f) by substituting "33 U.S.C. 1251-1376" for "33 U.S.C. 1151-1175)."

(k) "Transport" or "transportation" refers to the carriage and related handling of any material by a vessel, or by any other vehicle, including aircraft.

(l) "Convention" means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.⁵

TITLE I—OCEAN DUMPING

PROHIBITED ACTS

SEC. 101. (a) Except as may be authorized by a permit issued pursuant to section 102 or section 103 of this title, and subject to regulations issued pursuant to section 108 of this title,

(1) no person shall transport from the United States, and

(2) in the case of a vessel or aircraft registered in the United States or flying the United States flag or in the case of a United States department, agency, or instrumentality, no person shall transport from any location any material for the purpose of dumping it into ocean waters.

(b) Except as may be authorized by a permit issued pursuant to section 102 of this title, and subject to regulations issued pursuant to section 108 of this title, no person shall dump any material transported from a location outside the United States (1) into the territorial sea of the United States, or (2) into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States.⁶

ENVIRONMENTAL PROTECTION AGENCY PERMITS

SEC. 102. (a) Except in relation to dredged material, as provided for in section 103 of this title, and in relation to radiological, chemical, and biological warfare agents and high-level radioactive waste, for which no permit may be issued,⁷ the Administrator may issue permits, after notice and opportunity for public hearings, for the transportation from the United States or, in the case of an agency or instrumentality of the United States, or in the case of a vessel or aircraft registered in the United States or flying the United States flag,⁸ for the transportation from a location outside the United States, of material for the purpose of

⁵ Public Law 93-254 (88 Stat. 50) (1974) added subsec. 1.

⁶ Public Law 93-254 (88 Stat. 50) (1974) substituted complete new sec. 101. Before amendment, sec. 101 read as follows: "(a) No person shall transport from the United States any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or except as may be authorized in a permit issued under this title, and subject to regulations issued under section 108 hereof by the Secretary of the Department in which the Coast Guard is operating, any other material for the purpose of dumping it into ocean waters."

"(b) No person shall dump any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material, transported from any location outside the United States, (1) into the territorial sea of the United States, or (2) into a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea or the territory of the United States."

"(c) No officer, employee, agent, department, agency, or instrumentality of the United States shall transport from any location outside the United States any radiological, chemical, or biological warfare agent or any high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material for the purpose of dumping it into ocean waters."

⁷ Public Law 93-254 (88 Stat. 50) (1974) substituted the words "for which no permit may be issued," for the words "as provided for in section 101 of this title."

⁸ Public Law 93-254 (88 Stat. 50) (1974) added the words "or in the case of a vessel or aircraft registered in the United States or flying the United States flag".

dumping it into ocean waters, or for the dumping of material into the waters described in section 101(b), where the Administrator determines that such dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator shall establish and apply criteria for reviewing and evaluating such permit applications, and, in establishing or revising such criteria, shall consider, but not be limited in his consideration to, the following:

- (A) The need for the proposed dumping.
- (B) The effect of such dumping on human health and welfare, including economic, esthetic, and recreational values.
- (C) The effect of such dumping on fisheries resources, plankton, fish, shellfish, wildlife, shore lines and beaches.
- (D) The effect of such dumping on marine ecosystems, particularly with respect to—
 - (i) the transfer, concentration, and dispersion of such material and its byproducts through biological, physical, and chemical processes,
 - (ii) potential changes in marine ecosystem diversity, productivity, and stability, and
 - (iii) species and community population dynamics.
- (E) The persistence and permanence of the effects of the dumping.
- (F) The effect of dumping particular volumes and concentrations of such materials.
- (G) Appropriate locations and methods of disposal or recycling, including land-based alternatives and the probable impact of requiring use of such alternate locations or methods upon considerations affecting the public interest.
- (H) The effect on alternate uses of oceans, such as scientific study, fishing, and other living resource exploitation, and nonliving resource exploitation.
- (I) In designating recommended sites, the Administrator shall utilize wherever feasible locations beyond the edge of the Continental Shelf.

In establishing or revising such criteria, the Administrator shall consult with Federal, State, and local officials, and interested members of the general public, as may appear appropriate to the Administrator. With respect to such criteria as may affect the civil works program of the Department of the Army, the Administrator shall also consult with the Secretary. In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary. No permit shall be issued for a dumping of material which will violate applicable water quality standards. To the extent that he may do so without relaxing the requirements of this title, the Administrator, in establishing or revising such criteria, shall apply the standards and criteria binding upon the United States under the Convention, including its Annexes.⁹

(b) The Administrator may establish and issue various categories of permits, including the general permits described in section 104(c).

(c) The Administrator may, considering the criteria established pursuant to subsection (a) of this section, designate recommended sites or times for dumping and, when he finds it necessary to protect critical areas, shall, after consultation with the Secretary, also designate sites or times within which certain materials may not be dumped.

(d) No permit is required under this title for the transportation for dumping or the dumping of fish wastes, except when

⁹ Public Law 93-254 (88 Stat. 51) (1974) amended sec. 102(a) by adding the last sentence.

deposited in harbors or other protected or enclosed coastal waters, or where the Administrator finds that such deposits could endanger health, the environment, or ecological systems in a specific location. Where the Administrator makes such a finding, such material may be deposited only as authorized by a permit issued by the Administrator under this section.

(e) In the case of transportation of material, by a vessel or aircraft registered in the United States or flying the United States flag, from a location in a foreign State Party to the Convention, a permit issued pursuant to the authority of that foreign State Party, in accordance with Convention requirements, and which otherwise could have been issued pursuant to subsection (a) hereof, shall be accepted, for the purposes of this title, as if it were issued by the Administrator under the authority of this section.¹⁰

CORPS OF ENGINEERS PERMITS

SEC. 103. (a) Subject to the provisions of subsections (b), (c), and (d) of this section, the Secretary may issue permits, after notice and opportunity for public hearings, for the transportation of dredged material for the purpose of dumping it into ocean waters, where the Secretary determines that the dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

(b) In making the determination required by subsection (a), the Secretary shall apply those criteria, established pursuant to section 102(a), relating to the effects of the dumping. Based upon an evaluation of the potential effect of a permit denial on navigation, economic and industrial development, and foreign and domestic commerce of the United States, the Secretary shall make an independent determination as to the need for the dumping. The Secretary shall also make an independent determination as to other possible methods of disposal and as to appropriate locations for the dumping. In considering appropriate locations, he shall, to the extent feasible, utilize the recommended sites designated by the Administrator pursuant to section 102(c).

(c) Prior to issuing any permit under this section, the Secretary shall first notify the Administrator of his intention to do so. In any case in which the Administrator disagrees with the determination of the Secretary as to compliance with the criteria established pursuant to section 102(a) relating to the effects of the dumping or with the restrictions established pursuant to section 102(c) relating to critical areas, the determination of the Administrator shall prevail. Unless the Administrator grants a waiver pursuant to subsection (d), the Secretary shall not issue a permit which does not comply with such criteria and with such restrictions.

(d) If, in any case, the Secretary finds that, in the disposition of dredged material, there is no economically feasible method or site available other than a dumping site the utilization of which would result in non-compliance with the criteria established pursuant to section 102(a) relating to the effects of dumping or with the restrictions established pursuant to section 102(c) relating to critical areas, he shall so certify and request a waiver from the Administrator of the specific requirements involved. Within thirty days of the receipt of the waiver request, unless the Administrator finds that the dumping of the material will result in an unacceptably adverse impact on municipal water supplies, shell-fish beds, wildlife, fisheries (including spawning and breeding areas), or recreational areas, he shall grant the waiver.

(e) In connection with Federal projects involving dredged material, the Secretary may, in lieu of the permit procedure, issue regulations which will require the application to such proj-

¹⁰ Public Law 93-254 (88 Stat. 51) (1974) added subsec. 102(e).

ects of the same criteria, other factors to be evaluated, the same procedures, and the same requirements which apply to the issuance of permits under subsections (a), (b), (c), and (d) of this section.

PERMIT CONDITIONS

SEC. 104. (a) Permits issued under this title shall designate and include (1) the type of material authorized to be transported for dumping or to be dumped; (2) the amount of material authorized to be transported for dumping or to be dumped; (3) the location where such transport for dumping will be terminated or where such dumping will occur; (4) the length of time for which the permits are valid and their expiration date; (5) any special provisions deemed necessary by the Administrator or the Secretary, as the case may be, after consultation with the Secretary of the Department in which the Coast Guard is operating, for the monitoring and surveillance of the transportation or dumping; and (6) such other matters as the Administrator or the Secretary, as the case may be, deems appropriate.

(b) The Administrator or the Secretary, as the case may be, may prescribe such processing fees for permits and such reporting requirements for actions taken pursuant to permits issued by him under this title as he deems appropriate.

(c) Consistent with the requirements of sections 102 and 103, but in lieu of a requirement for specific permits in such case, the Administrator or the Secretary, as the case may be, may issue general permits for the transportation for dumping, or dumping, or both, of specified materials or classes of materials for which he may issue permits, which he determines will have a minimal adverse environmental impact.

(d) Any permit issued under this title shall be reviewed periodically and, if appropriate, revised. The Administrator or the Secretary, as the case may be, may limit or deny the issuance of permits, or he may alter or revoke partially or entirely the terms of permits issued by him under this title, for the transportation for dumping, or for the dumping, or both, of specified materials or classes of materials, where he finds that such materials cannot be dumped consistently with the criteria and other factors required to be applied in evaluating the permit application. No action shall be taken under this subsection unless the affected person or permittee shall have been given notice and opportunity for a hearing on such action as proposed.

(e) The Administrator or the Secretary, as the case may be, shall require an applicant for a permit under this title to provide such information as he may consider necessary to review and evaluate such application.

(f) Information received by the Administrator or the Secretary, as the case may be, as a part of any application or in connection with any permit granted under this title shall be available to the public as a matter of public record, at every stage of the proceeding. The final determination of the Administrator or the Secretary, as the case may be, shall be likewise available.

(g) A copy of any permit issued under this title shall be placed in a conspicuous place in the vessel which will be used for the transportation or dumping authorized by such permit, and an additional copy shall be furnished by the issuing official to the Secretary of the department in which the Coast Guard is operating, or its designee.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title, or of the regulations promulgated under this title, or a permit issued under this title shall be liable to a civil penalty of not more than \$50,000 for each violation to be assessed by the Administrator. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing of such.

violation. In determining the amount of the penalty, the gravity of the violation, prior violations, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation shall be considered by said Administrator. For good cause shown, the Administrator may remit or mitigate such penalty. Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) In addition to any action which may be brought under subsection (a) of this section, a person who knowingly violates this title, regulations promulgated under this title, or a permit issued under this title shall be fined not more than \$50,000, or imprisoned for not more than one year, or both.

(c) For the purpose of imposing civil penalties and criminal fines under this section, each day of a continuing violation shall constitute a separate offense as shall the dumping from each of several vessels, or other sources.

(d) The Attorney General or his delegate may bring actions for equitable relief to enjoin an imminent or continuing violation of this title, of regulations promulgated under this title, or of permits issued under this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

(e) A vessel, except a public vessel within the meaning of section 13 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1163), used in a violation, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof; but no vessel shall be liable unless it shall appear that one or more of the owners, or bareboat charterers, was at the time of the violation a consenting party or privy to such violation.

(f) If the provisions of any permit issued under section 102 or 103 are violated, the Administrator or the Secretary, as the case may be, may revoke the permit or may suspend the permit for a specified period of time. No permit shall be revoked or suspended unless the permittee shall have been given notice and opportunity for a hearing on such violation and proposed suspension or revocation.

(g) (1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any prohibition, limitation, criterion, or permit established or issued by or under this title. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such prohibition, limitation, criterion, or permit, as the case may be.

(2) No action may be commenced—

(A) prior to sixty days after notice of the violation has been given to the Administrator or to the Secretary, and to any alleged violator of the prohibition, limitation, criterion, or permit; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the prohibition, limitation, criterion, or permit; or

(C) if the Administrator has commenced action to impose a penalty pursuant to subsection (a) of this section, or if the Administrator, or the Secretary, has initiated permit revocation or suspension proceedings under subsection (f) of this section; or

(D) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of this title.

(3) (A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Administrator or Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Administrator, the Secretary, or a State agency).

(h) No person shall be subject to a civil penalty or to a criminal fine or imprisonment for dumping materials from a vessel if such materials are dumped in an emergency to safeguard life at sea. Any such emergency dumping shall be reported to the Administrator under such conditions as he may prescribe.

Exception.

RELATIONSHIP TO OTHER LAWS

SEC. 106. (a) After the effective date of this title, all licenses, permits, and authorizations other than those issued pursuant to this title shall be void and of no legal effect, to the extent that they purport to authorize any activity regulated by this title, and whether issued before or after the effective date of this title.

(b) The provisions of subsection (a) shall not apply to actions taken before the effective date of this title under the authority of the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended (33 U.S.C. 401 et. seq.).

(c) Prior to issuing any permit under this title, if it appears to the Administrator that the disposition of material, other than dredged material, may adversely affect navigation in the territorial sea of the United States, or in the approaches to any harbor of the United States, or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary and no permit shall be issued if the Secretary determines that navigation will be unreasonably impaired.

(d) After the effective date of this title, no State shall adopt or enforce any rule or regulation relating to any activity regulated by this title. Any State may, however, propose to the Administrator criteria relating to the dumping of materials into ocean waters within its jurisdiction, or into other ocean waters to the extent that such dumping may affect waters within the jurisdiction of such State, and if the Administrator determines, after notice and opportunity for hearing, that the proposed criteria are not inconsistent with the purposes of this title, may adopt those criteria and may issue regulations to implement such criteria. Such determination shall be made by the Administrator within one hundred and twenty days of receipt of the proposed criteria. For the purposes of this subsection, the term "State" means any State, interstate or regional authority, Federal territory or Commonwealth or the District of Columbia.

(e) Nothing in this title shall be deemed to affect in any manner or to any extent any provision of the Fish and Wildlife Coordination Act as amended (16 U.S.C. 661-666c).

ENFORCEMENT

SEC. 107. (a) The Administrator or the Secretary, as the case may be, may, whenever appropriate, utilize by agreement, the personnel, services and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumen-

talities, whether on a reimbursable or a nonreimbursable basis, in carrying out his responsibilities under this title.

(b) The Administrator or the Secretary may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of his agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

(c) The Secretary of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping, or unlawful dumping. Such enforcement activity shall include, but not be limited to, enforcement of regulations issued by him pursuant to section 108, relating to safe transportation, handling, carriage, storage, and stowage. The Secretary of the Department in which the Coast Guard is operating shall supply to the Administrator and to the Attorney General, as appropriate, such information of enforcement activities and such evidentiary material assembled as they may require in carrying out their duties relative to penalty assessments, criminal prosecutions, or other actions involving litigation pursuant to the provisions of this title.

REGULATIONS

SEC. 108. In carrying out the responsibilities and authority conferred by this title, the Administrator, the Secretary, and the Secretary of the department in which the Coast Guard is operating are authorized to issue such regulations as they may deem appropriate.

INTERNATIONAL COOPERATION

SEC. 109. The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to insure protection of the marine environment, and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

EFFECTIVE DATE AND SAVINGS PROVISIONS

SEC. 110. (a) This title shall take effect six months after the date of the enactment of this Act.

(b) No legal action begun, or right of action accrued, prior to the effective date of this title shall be affected by any provision of this title.

SEC. 111. There are hereby authorized to be appropriated not to exceed \$3,600,000 for fiscal year 1973, and not to exceed \$5,500,000 for each of the fiscal years 1974 and 1975,¹¹ not to exceed \$5,300,000 for fiscal year 1976, not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976),¹² not to exceed \$4,800,000 for fiscal year 1977,¹³ and not to exceed \$4,800,000 for fiscal year 1978,¹⁴ for the purposes and administration of this title,

¹¹ Public Law 93-472 (88 Stat. 1430) (1974) substituted "fiscal years 1974 and 1975," for "fiscal year 1974."

¹² Public Law 94-62 (89 Stat. 303) (1975) amended sec. 111 by deleting "and not to exceed \$5,500,000 for fiscal years 1974 and 1975," and substituted in lieu thereof "not to exceed \$5,500,000 for each of the fiscal years 1974 and 1975, not to exceed \$5,300,000 for fiscal year 1976, and not to exceed \$1,325,000 for the transition period (July 1 through September 30, 1976)."

¹³ Public Law 94-326 (90 Stat. 725) (1976) added "and not to exceed \$4,800,000 for fiscal year 1977."

¹⁴ Public Law 95-153 (91 Stat. 1255) (1977) added "and not to exceed \$4,800,000 for fiscal year 1978."

and for succeeding fiscal years only such sums as the Congress may authorize by law.

SEC. 112. The Administrator, the Secretary, and the Secretary of the department in which the Coast Guard is operating shall each individually¹⁵ report annually, on or before March 1¹⁶ of each year, with the first report to be made on or before June 30, 1973 to the Congress, on his administration of this title, including recommendations for additional legislation if deemed necessary.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

SEC. 201. The Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and with the Administrator shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material into ocean waters or other coastal waters where the tide ebbs and flows or into the Great Lakes or their connecting waters and shall report from time to time, not less frequently than annually, his findings (including an evaluation of the short-term ecological effects and the social and economic factors involved) to the Congress.

SEC. 202. (a) The Secretary of Commerce, in consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. In carrying out such research, the Secretary of Commerce shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.

(b) In carrying out his responsibilities under this section, the Secretary of Commerce, under the foreign policy guidance of the President and pursuant to international agreements and treaties made by the President with the advice and consent of the Senate, may act alone or in conjunction with any other nation or group of nations, and shall make known the results of his activities by such channels of communication as may appear appropriate.

(c) In March¹⁷ of each year, the Secretary of Commerce shall report to the Congress on the results of activities undertaken by him pursuant to this section during the previous fiscal year.

(d) Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the Secretary of Commerce in carrying out the purposes of this section and, to the extent permitted by law, to furnish such information as may be requested.

(e) The Secretary of Commerce, in carrying out his responsibilities under this section, shall, to the extent feasible utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities (including those of the Coast Guard for monitoring purposes), and is authorized to enter into appropriate inter-agency agreements to accomplish this action.

¹⁵ Public Law 94-326 (90 Stat. 725) (1976) substituted the words "Administrator, the Secretary and the Secretary of the department in which the Coast Guard is operating shall each individually" for the words "Administrator shall".

¹⁶ Public Law 94-326 (90 Stat. 725) (1976) substituted "March 1" for "June 30".

¹⁷ Public Law 94-62 (89 Stat. 303) (1975) substituted "March" for "January".

SEC. 203. The Secretary of Commerce shall conduct and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and to promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of determining means of minimizing or ending all dumping of materials within five years of the effective date of this Act.

SEC. 204. There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such fiscal year may not exceed \$6,000,000. There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976,¹⁸ not to exceed \$5,600,000 for fiscal year 1977,¹⁹ and not to exceed \$6,500,000 for fiscal 1978.²⁰

TITLE III—MARINE SANCTUARIES

SEC. 301. Notwithstanding the provision of subsection (h) of section 3 of this Act, the term "Secretary", when used in this title, means Secretary of Commerce.

SEC. 302. (a) The Secretary, after consultation with the Secretaries of State, Defense, the Interior, and Transportation, the Administration, and the heads of other interested Federal agencies, and with the approval of the President, may designate as marine sanctuaries those areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (15 U.S.T. 74; TIAS 5578), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. The consultation shall include an opportunity to review and comment on a specific proposed designation.

(b) Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the Secretary shall consult with, and give due consideration to the views of, responsible officials of the State involved. As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.

(c) When a marine sanctuary is designated, pursuant to this section, which includes an area of ocean waters outside the territorial jurisdiction of the United States, the Secretary of State shall take such actions as may be appropriate to enter into negotiations with other Governments for the purpose of arriving at necessary agreements with those Governments, in order to protect such sanctuary and to promote the purposes for which it was established.

¹⁸ Public Law 94-62 (89 Stat. 303) (1975) added a new sentence "There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976)."

¹⁹ Public Law 94-326 (90 Stat. 725) (1976) amended sec. 204 by adding to the last sentence "and not to exceed \$5,600,000 for fiscal year 1977."

²⁰ Public Law 95-153 (91 Stat. 1255) (1977) added to the last sentence "and not to exceed \$6,500,000 for fiscal year 1978."

(d) The Secretary shall submit an annual report to the Congress, on or before November 1 of each year, setting forth a comprehensive review of his actions during the previous fiscal year undertaken pursuant to the authority of this section, together with appropriate recommendation for legislation considered necessary for the designation and protection of marine sanctuaries.

(e) Before a marine sanctuary is designated under this section, the Secretary shall hold public hearings in the coastal areas which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings shall be held no earlier than thirty days after the publication of a public notice thereof.

(f) After a marine sanctuary has been designated under this section, the Secretary, after consultation with other interested Federal agencies, shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section.

(g) The regulations issued pursuant to subsection (f) shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign State of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag State of the vessel, no regulation applicable to ocean waters outside the territorial jurisdiction of the United States shall be applied to a person not a citizen of the United States.

SEC. 303. (a) Any person subject to the jurisdiction of the United States who violates any regulation issued pursuant to this title shall be liable to a civil penalty of not more than \$50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

(b) No penalty shall be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

(c) A vessel used in the violation of a regulation issued pursuant to this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

(d) The district courts of the United States have jurisdiction to restrain a violation of the regulations issued pursuant to this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

SEC. 304. There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, not to exceed \$1,550,000 for the transition period (July through September 30, 1976), not to exceed \$500,000 for fiscal year 1977,²¹ and not to exceed \$500,000

²¹ Public Law 94-326 (90 Stat. 725) (1976) sec. 4 amended sec. 304 by adding the words "and not to exceed \$500,000 for fiscal year 1977."

for fiscal year 1978,²² to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title.²³ Approved October 23, 1972.

²² Public Law 95-153 (91 Stat. 1253) (1977) sec. 3 amended sec. 304 by adding the words "and not to exceed \$500,000 for fiscal year 1978."

²³ Public Law 94-62 (89 Stat. 303) (1975) sec. 4 amended sec. 304. Prior to amendment this section read as follows: "There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed \$10,000,000."

APPENDIX 26

CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER

Convention done at London, Mexico City, Moscow and Washington, December 29, 1972

Ratification of the United States of America deposited at Washington, London and Mexico City, April 29, 1974 and at Moscow, May 6, 1974

Entered into force, August 30, 1975

The Contracting Parties to this Convention,

Recognizing that the marine environment and the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that it is so managed that its quality and resources are not impaired;

Recognizing that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources, is not unlimited;

Recognizing that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;

Recalling Resolution 2749 (XXV) of the General Assembly of the United Nations on the principles governing the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction;

Noting that marine pollution originates in many sources, such as dumping and discharges through the atmosphere, rivers, estuaries, outfalls and pipelines, and that it is important that States use the best practicable means to prevent such pollution and develop products and processes which will reduce the amount of harmful wastes to be disposed of;

Being convinced that international action to control the pollution of the sea by dumping can and must be taken without delay but that this action should not preclude discussion of measures to control other sources of marine pollution as soon as possible; and

Wishing to improve protection of the marine environment by encouraging States with a common interest in particular geographical areas to enter into appropriate agreements supplementary to this Convention;

Have agreed as follows:

ARTICLE I

Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment, and pledge themselves especially to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

ARTICLE II

Contracting Parties shall, as provided for in the following Articles, take effective measures individually, according to their scientific, technical and economic capabilities, and collectively, to prevent marine pollution caused by dumping and shall harmonize their policies in this regard.

ARTICLE III

For the purposes of this Convention:

1. (a) "Dumping" means:

(i) any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;

(ii) any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea.

(b) "Dumping" does not include:

(i) the disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;

(ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

(c) The disposal of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources will not be covered by the provisions of this Convention.

2. "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not.

3. "Sea" means all marine waters other than the internal waters of States.

4. "Wastes or other matter" means material and substance of any kind, form or description.

5. "Special permit" means permission granted specifically on application in advance and in accordance with Annex II and Annex III.

6. "General permit" means permission granted in advance and in accordance with Annex III.

7. "The Organisation" means the Organisation designated by the Contracting Parties in accordance with Article XIV(2).

ARTICLE IV

1. In accordance with the provisions of this Convention Contracting Parties shall prohibit the dumping of any wastes or other matter in whatever form or condition except as otherwise specified below:

(a) the dumping of wastes or other matter listed in Annex I is prohibited;

(b) the dumping of wastes or other matter listed in Annex II requires a prior special permit;

(c) the dumping of all other wastes or matter requires a prior general permit.

2. Any permit shall be issued only after careful consideration of all the factors set forth in Annex III, including prior studies of the characteristics of the dumping site, as set forth in Sections B and C of that Annex.

3. No provision of this Convention is to be interpreted as preventing a Contracting Party from prohibiting, insofar as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organisation.

ARTICLE V

1. The provisions of Article IV shall not apply when it is necessary to secure the safety of human life or of vessels aircraft, platforms or other man-made structures at sea in cases of *force majeure* caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life and shall be reported forthwith to the Organisation.

2. A Contracting Party may issue a special permit as an exception to Article IV(1) (a), in emergencies, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organisation which, after consulting other Parties, and international organisations as appro-

appropriate, shall, in accordance with Article XIV promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organisation of the action it takes. The Parties pledge themselves to assist one another in such situations.

3. Any Contracting Party may waive its rights under paragraph (2) at the time of, or subsequent to ratification of, or accession to this Convention.

ARTICLE VI

1. Each Contracting Party shall designate an appropriate authority or authorities to:

(a) issue special permits which shall be required prior to, and for, the dumping of matter listed in Annex II and in the circumstances provided for in Article V (2);

(b) issue general permits which shall be required prior to, and for, the dumping of all other matter;

(c) keep records of the nature and quantities of all matter permitted to be dumped and the location, time and method of dumping;

(d) monitor individually, or in collaboration with other Parties and competent international organisations, the condition of the seas for the purposes of this Convention.

2. The appropriate authority or authorities of a Contracting Party shall issue prior special or general permits in accordance with paragraph (1) in respect of matter intended for dumping:

(a) loaded in its territory;

(b) loaded by a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not party to this Convention.

3. In issuing permits under sub-paragraphs (1) (a) and (b) above, the appropriate authority or authorities shall comply with Annex III, together with such additional criteria, measures and requirements as they may consider relevant.

4. Each Contracting Party, directly or through a Secretariat established under a regional agreement, shall report to the Organisation, and where appropriate to other Parties, the information specified in sub-paragraphs (c) and (d) of paragraph (1) above, and the criteria, measures and requirements it adopts in accordance with paragraph (3) above. The procedure to be followed and the nature of such reports shall be agreed by the Parties in consultation.

ARTICLE VII

1. Each Contracting Party shall apply the measures required to implement the present Convention to all:

(a) vessels and aircraft registered in its territory or flying its flag;

(b) vessels and aircraft loading in its territory or territorial seas matter which is to be dumped;

(c) vessels and aircraft and fixed or floating platforms under its jurisdiction believed to be engaged in dumping.

2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.

3. The Parties agree to co-operate in the development of procedures for the effective application of this Convention particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping is contravention of the Convention.

4. This Convention shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Convention, and shall inform the Organisation accordingly.

5. Nothing in this Convention shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping at sea.

ARTICLE VIII

In order to further the objectives of this Convention, the Contracting Parties with common interests to protect in the marine environment in a given geograph-

ical area shall endeavour, taking into account characteristic regional features, to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping. The Contracting Parties to the present Convention shall endeavour to act consistently with the objectives and provisions of such regional agreements, which shall be notified to them by the Organisation. Contracting Parties shall seek to co-operate with the Parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different conventions concerned. Special attention shall be given to cooperation in the field of monitoring and scientific research.

ARTICLE IX

The Contracting Parties shall promote, through collaboration within the Organisation and other international bodies, support for those Parties which request it for:

- (a) the training of scientific and technical personnel;
 - (b) the supply of necessary equipment and facilities for research and monitoring;
 - (c) the disposal and treatment of waste and other measures to prevent or mitigate pollution caused by dumping;
- preferably within the countries concerned, so furthering the aims and purposes of this Convention.

ARTICLE X

In accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment, caused by dumping of wastes and other matter of all kinds, the Contracting Parties undertake to develop procedures for the assessment of liability and the settlement of disputes regarding dumping.

ARTICLE XI

The Contracting Parties shall at their first consultative meeting consider procedures for the settlement of disputes concerning the interpretation and application of this Convention.

ARTICLE XII

The Contracting Parties pledge themselves to promote, within the competent specialised agencies and other international bodies, measures to protect the marine environment against pollution caused by:

- (a) hydrocarbons, including oil, and their wastes;
- (b) other noxious or hazardous matter transported by vessels for purposes other than dumping;
- (c) wastes generated in the course of operation of vessels, aircraft, platforms and other man-made structures at sea;
- (d) radio-active pollutants from all sources, including vessels;
- (e) agents of chemical and biological warfare;
- (f) wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

The Parties will also promote, within the appropriate international organisation, the codification of signals to be used by vessels engaged in dumping.

ARTICLE XIII

Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction. The Contracting Parties agree to consult at a meeting to be convened by the Organisation after the Law of the Sea Conference, and in any case not later than 1976, with a view to defining the nature and extent of the right and the responsibility of a coastal State to apply the Convention in a zone adjacent to its coast.

ARTICLE XIV

1. The Government of the United Kingdom of Great Britain and Northern Ireland as a depositary shall call a meeting of the Contracting Parties not later

than three months after the entry into force of this Convention to decide on organisational matters.

2. The Contracting Parties shall designate a competent Organisation existing at the time of that meeting to be responsible for Secretariat duties in relation to this Convention. Any Party to this Convention not being a member of this Organisation shall make an appropriate contribution to the expenses incurred by the Organisation in performing these duties.

3. The Secretariat duties of the Organisation shall include:

(a) the convening of consultative meetings of the Contracting Parties not less frequently than once every two years and of special meetings of the Parties at any time on the request of two-thirds of the Parties;

(b) preparing and assisting, in consultation with the Contracting Parties and appropriate International Organisations, in the development and implementation of procedures referred to in sub-paragraph (4)(e) of this Article;

(c) considering enquiries by, and information from the Contracting Parties, consulting with them and with the appropriate International Organisations, and providing recommendations to the Parties on questions related to, but not specifically covered by the Convention;

(d) conveying to the Parties concerned all notifications received by the Organisation in accordance with Articles IV(3), V (1) and (2), VI(4), XV, XX, and XXI.

Prior to the designation of the Organisation these functions shall, as necessary, be performed by the depositary, who for this purpose shall be the Government of the United Kingdom of Great Britain and Northern Ireland.

4. Consultative or special meetings of the Contracting Parties shall keep under continuing review the implementation of this Convention and may, *inter alia*:

(a) review and adopt amendments to this Convention and its Annexes in accordance with Article XV;

(b) invite the appropriate scientific body or bodies to collaborate with and to advise the Parties or the Organisation on any scientific or technical aspect relevant to this Convention, including particularly the content of this Annexes;

(c) receive and consider reports made pursuant to Article VI(4);

(d) promote co-operation with and between regional organisations concerned with the prevention of marine pollution;

(e) develop or adopt, in consultation with appropriate International Organisations, procedures referred to in Article V(2), including basic criteria for determining exceptional and emergency situations, and procedures for consultative advice and the safe disposal of matter in such circumstances, including the designation of appropriate dumping areas, and recommend accordingly;

(f) consider any additional action that may be required.

5. The Contracting Parties at their first consultative meeting shall establish rules of procedure as necessary.

ARTICLE XV

1. (a) At meetings of the Contracting Parties called in accordance with Article XIV amendments to this Convention may be adopted by a two-thirds majority of those present. An amendment shall enter into force for the Parties which have accepted it on the sixtieth day after two-thirds of the Parties shall have deposited an instrument of acceptance of the amendment with the Organisation. Thereafter the amendment shall enter into force for any other Party 30 days after that Party deposits its instrument of acceptance of the amendment.

(b) The Organisation shall inform all Contracting Parties of any request made for a special meeting under Article XIV and of any amendments adopted at meetings of the Parties and of the date on which each such amendment enters into force for each Party.

2. Amendments to the Annexes will be based on scientific or technical considerations. Amendments to the Annexes approved by a two-thirds majority of those present at a meeting called in accordance with Article XIV shall enter into force for each Contracting Party immediately on notification of its acceptance to the Organisation and 100 days after approval by the meeting for all other Parties except for those which before the end of the 100 days make a declaration that they are not able to accept the amendment at that time. Parties should endeavour to signify their acceptance of an amendment to the Organisation as soon as possible after approval at a meeting. A Party may at any time

substitute an acceptance for a previous declaration of objection and the amendment previously objected to shall thereupon enter into force for that Party.

3. An acceptance or declaration of objection under this Article shall be made by the deposit of an instrument with the Organisation. The Organisation shall notify all Contracting Parties of the receipt of such instruments.

4. Prior to the designation of the Organisation, the Secretarial functions herein attributed to it, shall be performed temporarily by the Government of the United Kingdom of Great Britain and Northern Ireland, as one of the depositaries of this Convention.

ARTICLE XVI

This Convention shall be open for signature by any State at London, Mexico City, Moscow and Washington from 29 December 1972 until 31 December 1973.

ARTICLE XVII

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

ARTICLE XVIII

After 31 December 1973, this Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

ARTICLE XIX

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification or accession.

2. For each Contracting Party ratifying or acceding to the Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such Party of its instrument of ratification or accession.

ARTICLE XX

The depositaries shall inform Contracting Parties:

(a) of signatures to this Convention and of the deposit of instruments of ratification, accession or withdrawal, in accordance with Articles XVI, XVII, XVIII and XXI, and

(b) of the date on which this Convention will enter into force, in accordance with Article XIX.

ARTICLE XXI

Any Contracting Party may withdraw from this Convention by giving six months' notice in writing to a depositary, which shall promptly inform all Parties of such notice.

ARTICLE XXII

The original of this Convention of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their respective Governments have signed the present Convention.

DONE in quadruplicate at London, Mexico City, Moscow and Washington, this twenty-ninth day of December, 1972.

ANNEX I

1. Organohalogen compounds.
2. Mercury and mercury compounds.
3. Cadmium and cadmium compounds.
4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may float or may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.

5. Crude oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.

6. High-level radioactive wastes or other high-level radio-active matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.

7. Materials in whatever form (*e.g.* solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.

8. The preceding paragraphs of this Annex do not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

- (i) make edible marine organisms unpalatable, or
- (ii) endanger human health or that of domestic animals.

The consultative procedure provided for under Article XIV should be followed by a Party if there is doubt about the harmlessness of the substance.

9. This Annex does not apply to wastes or other materials (*e.g.* sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1-5 above as trace contaminants. Such wastes shall be subject to the provisions of Annexes II and III as appropriate.

ANNEX II

The following substances and materials requiring special care are listed for the purposes of Article VI(1) (a).

A. Wastes containing significant amounts of the matters listed below:

- | | |
|--|---------------------|
| arsenic | |
| lead | |
| copper | and their compounds |
| zinc | |
| organosilicon compounds | |
| cyanides | |
| fluorides | |
| pesticides and their by-products not covered in Annex I. | |

B. In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph A and to the following additional substances:

- | | |
|-----------|-----------------------|
| beryllium | } and their compounds |
| chromium | |
| nickel | |
| vanadium | |

C. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

D. Radioactive wastes or other radioactive matter not included in Annex I. In the issue of permits for the dumping of this matter, the Contracting Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account Article IV (2), include:

A.—Characteristics and composition of the matter

1. Total amount and average composition of matter dumped (*e.g.* per year).
2. Form, *e.g.* solid, sludge, liquid, or gaseous.
3. Properties: physical (*e.g.* solubility and density), chemical and biochemical (*e.g.* oxygen demand, nutrients) and biological (*e.g.* presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

B.—Characteristics of dumping site and method of deposit

1. Location (*e.g.* co-ordinates of the dumping area, depth and distance from the coast), location in relation to the other areas (*e.g.*, amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (*e.g.* quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release.
5. Dispersal characteristics (*e.g.* effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (*e.g.* temperature, pH, salinity, stratification, oxygen indices of pollution—dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD)—nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (*e.g.* topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (*e.g.* heavy metal background reading and organic carbon content).
9. In issuing a permit for dumping, Contracting Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Annex, taking into account seasonal variations.

C.—General considerations and conditions

1. Possible effects on amenities (*e.g.*, presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
3. Possible effects on other uses of the sea (*e.g.* impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).
4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

TREATY ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTERS, EFFECTIVE AUGUST 30, 1975

Ratification or accession deposited by:

Afghanistan	Mexico
Byelorussian Soviet Socialist Rep.	Morocco
Canada	Netherlands
Cape Verde	New Zealand ⁵
Chile	Nigeria
Cuba	Norway
Denmark ¹	Panama
Dominican Republic	Philippines
France ^{2,3}	Spain
German Dem. Rep.	Sweden
Germany, Fed. Rep. ⁴	Tunisia
Guatemala	Ukrainian Soviet Socialist Rep.
Haiti	Union of Soviet Socialist Reps.
Hungary	United Arab Emirates
Iceland	United Kingdom ⁶
Jordan	United States
Kenya	Yugoslavia
Libya	Zaire

¹ Extended to Faroe Islands.

² With Reservation.

³ With Statement.

⁴ Applicable to Berlin (West).

⁵ Not applicable to Cook Islands, Niue, and Tokelan Islands.

⁶ Extended to Bailiwick of Guernsey, Belize, Bermuda, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Ducie and Oneo Islands, Falkland Islands and dependencies, Gilbert Islands, Henderson, Hong Kong, Isle of Man, Bailiwick of Jersey, Montserrat, Pitcairn, St. Helena and dependencies, Solomon Islands, Turks and Caicos Islands, Tuvalu, and United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia on the Island of Cyprus.

APPENDIX 27

TENURE OF OFFICE OF AEC COMMISSIONERS, 1946-75

	From—	To—	Remarks
David E. Lilienthal, Chairman.....	Nov. 1, 1946	Feb. 15, 1950	Resigned.
Robert F. Eachus.....	Nov. 1, 1946	May 10, 1949	Resigned.
Sumner T. Pike.....	Oct. 31, 1947	Dec. 15, 1951	Resigned.
William W. Waymack.....	Nov. 5, 1946	Dec. 21, 1948	Resigned.
Lewis L. Strauss.....	Nov. 12, 1946	Apr. 15, 1950	Resigned.
Chairman.....	July 2, 1953	June 30, 1958	Term expired.
Henry DeWolf Smyth.....	May 30, 1949	Sept. 30, 1954	Resigned.
Gordon Dean.....	May 24, 1949	June 30, 1953	Term expired.
Chairman.....	July 11, 1950	June 30, 1953	
Thomas E. Murray.....	May 9, 1950	June 30, 1957	Term expired.
Thomas Keith Glennan.....	Oct. 2, 1950	Nov. 1, 1952	Resigned.
Eugene M. Zuckert.....	Feb. 25, 1952	June 30, 1954	Term expired.
Joseph Campbell.....	July 27, 1953	Nov. 30, 1954	Resigned.
Willard F. Libby.....	Oct. 5, 1954	June 30, 1959	Resigned.
John Von Neumann.....	Mar. 15, 1955	Feb. 8, 1957	Deceased.
Harold S. Vance.....	Oct. 31, 1955	Aug. 31, 1959	Deceased.
John S. Graham.....	Sept. 12, 1957	June 30, 1962	Resigned.
John Forrest Floberg.....	Oct. 1, 1957	June 23, 1960	Resigned.
John A. McCone, Chairman.....	July 14, 1958	Jan. 20, 1961	Resigned.
John H. Williams.....	Aug. 13, 1959	June 30, 1960	Resigned.
Robert E. Wilson.....	Mar. 22, 1960	Jan. 31, 1964	Resigned.
Loren K. Olson.....	June 23, 1960	June 30, 1962	Term expired.
Glenn T. Seaborg, Chairman.....	Mar. 1, 1961	Aug. 16, 1971	Resigned.
Leland J. Haworth.....	Apr. 17, 1961	June 30, 1963	Resigned.
John G. Falfrey.....	Aug. 31, 1962	June 30, 1966	Resigned.
James T. Ramey.....	Aug. 31, 1962	June 30, 1973	Term expired.
Gerald F. Tape.....	July 15, 1963	Apr. 30, 1969	Resigned.
Mary I. Bunting.....	June 29, 1964	June 30, 1965	Term expired.
Wilfrid E. Johnson.....	Aug. 1, 1966	June 30, 1972	Term expired.
Samuel M. Nabrit.....	Aug. 1, 1966	Aug. 1, 1967	Resigned.
Francesco Costagliola.....	Oct. 1, 1968	June 30, 1969	Term expired.
Theos J. Thompson.....	June 12, 1969	Nov. 25, 1970	Deceased
Clarence E. Larson.....	Sept. 2, 1969	June 30, 1974	Term expired.
James R. Schlesinger, Chairman.....	Aug. 17, 1971	Feb. 5, 1973	Resigned.
William O. Doub.....	Aug. 17, 1971	Aug. 17, 1974	Resigned.
Dixy Lee Ray ¹	Aug. 8, 1972	Jan. 19, 1975	AEC abolished.
Chairman.....	Feb. 6, 1973	Jan. 19, 1975	
William E. Kriegsman.....	June 12, 1973	Dec. 31, 1974	Resigned.
William A. Anders.....	Aug. 6, 1973	Jan. 19, 1975	AEC abolished.

¹ Designated Chairman, Feb. 6, 1973.

TENURE OF OFFICE OF NRC COMMISSIONERS

	From—	To—	Remarks
Anders, William A., Chairman.....	Jan. 19, 1975	Apr. 20, 1976	Resigned.
Rowden, Marcus A., Chairman.....	Jan. 19, 1975	June 30, 1977	Term expired.
Mason, Edward A.....	Jan. 19, 1975	Jan. 15, 1977	Resigned.
Gilinsky, Victor.....	Jan. 19, 1975	June 30, 1979	Term expires.
Kennedy, Richard T.....	Jan. 19, 1975	June 30, 1980	Term expires.
Hendrie, Joseph M., Chairman.....	Aug. 9, 1977	June 30, 1981	Term expires.
Bradford, Peter A.....	Aug. 15, 1977	June 30, 1982	Term expires.
Ahearn, John F.....	July 31, 1978	June 30, 1983	Term expires.

APPENDIX 28

ATOMIC WEAPONS AND SPECIAL NUCLEAR MATERIALS¹ REWARDS ACT

(69 Stat. 365)

[PUBLIC LAW 165—84TH CONGRESS]

[50 U.S.C. 47a-f]

[S. 609]

AN ACT To provide rewards for information concerning the illegal introduction into the United States, or the illegal manufacture or acquisition in the United States, of special nuclear material and atomic weapons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Atomic Weapons and Special Nuclear Materials Rewards Act".

SEC. 2. Any person who furnishes original information to the United States—

(a) leading to the finding or other acquisition by the United States of special nuclear material or an atomic weapon which has been introduced into the United States or manufactured or acquired therein contrary to the laws of the United States, or

(b) with respect to the introduction or attempted introduction into the United States or the manufacture or acquisition or attempted manufacture or acquisition of, or a conspiracy to introduce into the United States or to manufacture or acquire, special nuclear material or an atomic weapon contrary to the laws of the United States, or

(c) with respect to the export or attempted export, or a conspiracy to export, special nuclear material or an atomic weapon from the United States contrary to the laws of the United States,

shall be rewarded by the payment of an amount not to exceed \$500,000.

SEC. 3. The Attorney General shall determine whether a person furnishing information to the United States is entitled to a reward and the amount to be paid pursuant to section 2. Before making a reward under this section the Attorney General shall advise and consult with the Atomic Energy Commission. A reward of \$50,000 or more may not be made without the approval of the President."²

¹ Section 1 of Public Law 93-377 (88 Stat. 472) (1974) changed the name of this Act. Prior to amendment, it was "Atomic Weapons Rewards Act of 1955".

² Section 1 of Public Law 93-377 (88 Stat. 472) (1974) amended sections 2 and 3. Prior to amendment, these sections read as follows:

"SEC. 2. Any person who furnishes original information to the United States—

(a) leading to the finding or other acquisition by the United States of any special nuclear material or atomic weapon which has been introduced into the United States, or which has been manufactured or acquired therein contrary to the laws of the United States, or

(b) with respect to an attempted introduction into the United States or an attempted manufacture or acquisition therein of any special nuclear material or atomic weapon, contrary to the laws of the United States,

shall be rewarded by the payment of an amount not to exceed \$500,000.

"SEC. 3. An Awards Board consisting of the Secretary of the Treasury (who shall be the Chairman), the Secretary of Defense, the Attorney General, the Director of Central Intelligence, and of one member of the Atomic Energy Commission designated by that Commission, shall determine whether any person furnishing information to the United States is entitled to any award and the amount thereof to be paid pursuant to section 2. In determining whether any person furnishing information to the United States is entitled to an award and the amount of such award, the Board shall take into consideration—

(a) whether or not the information is of the type specified in section 2, and

(b) whether the person furnishing the information was an officer or employee of the United States and, if so, whether the furnishing of such information was in the line of duty of that person.

"Any reward of \$50,000 or more shall be approved by the President."*

* Reorganization Plan No. 4 of 1965 (79 Stat. 1321) had subsequently transferred the functions of the Awards Board to the Attorney General.

SEC. 4. If the information leading to an award under section 3 is furnished by an alien, the Secretary of State, the Attorney General, and the Director of Central Intelligence, acting jointly, may determine that the entry of such alien into the United States is in the public interest and, in that event, such alien and the members of his immediate family may receive immigrant visas and may be admitted to the United States for permanent residence, notwithstanding the requirements of the Immigration and Nationality Act.

SEC. 5. (a) The Attorney General is authorized to hold such hearings and make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.

(b) A determination made by the Attorney General under section 3 of this Act shall be final and conclusive and no court shall have power or jurisdiction to review it.³

SEC. 6. Any awards granted under section 3 of this Act shall be certified by the Attorney General⁴ and, together with the approval of the President in those cases where such approval is required, transmitted to the Director of Central Intelligence for payment out of funds appropriated or available for the administration of the National Security Act of 1947, as amended.

SEC. 7. As used in this Act—

(a) The term "atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

(b) The term "atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(c) The term "special nuclear material" means plutonium, or uranium enriched in the isotope 233 or in the isotope 235, or any other material which is found to be special nuclear material pursuant to the provisions of the Atomic Energy Act of 1954.

(d) The term "United States," when used in a geographical sense, includes Puerto Rico, all Territories and possessions of the United States and the Canal Zone; except that in section 4, the term "United States" when so used shall have the meaning given to it in the Immigration and Nationality Act.

Approved July 15, 1955.

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(Page references are to Congressional Record, 84th Cong., 1st sess.)

Mr. Hickenlooper and Mr. Anderson; Joint Committee on Atomic Energy, 543.
Reported with amendment (S. Rept. 622), 8917.

Objected to, 9216.

Amended and passed Senate, 9361.

Amended and passed House, 10024.

Senate concurs in House amendment, 10075.

Examined and signed, 10120, 10206.

Presented to the President, 10122.

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H.R. 78—companion

Mr. Cole; Joint Committee on Atomic Energy, 33.

H.R. 6901—companion

Mr. Cole; Joint Committee on Atomic Energy, 8776.

Reported with amendment (H. Rept. 901), 9138.

Amended and passed House, 9905.

Indefinitely postponed (S. 609 passed in lieu), 10075.

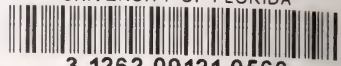
For Legislative History of amendments, see history of Public Law 93-377, Appendix A, *supra*.

³ Section 1 of Public Law 93-377 (88 Stat. 472) (1974) amended section 5. Previously, it read as follows:

"Sec. 5. The Board established under section 3 is authorized to hold such hearings and make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act."

⁴ Section 1 of Public Law 93-377 (88 Stat. 472) (1974) substituted the words "Attorney General" for the words "Awards Board".

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